FOR THE CASE OF

Cynthia Hoops v Medical Reimbursements of America, Inc. et al

TRANSCRIPT OF

Misti Voorhies

June 26, 2017

Stone & George

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CYNTHIA HOOPS,)
)
Plaintiff,)
)
vs.) No. 4:16-CV-01543-AGF
)
MEDICAL REIMBURSEMENTS OF)
AMERICA, INC. AND MERCY)
HOSPITALS EAST COMMUNITIES,)
)
Defendants.)
)

Deposition of:

MISTI VOORHIES

Taken on behalf of the Plaintiff

June 26, 2017

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** Reporter's Note: All names are spelled phonetically unless otherwise provided to the Reporter by the parties.

The deposition of MISTI VOORHIES was taken by counsel for the Plaintiff, pursuant to notice, at the offices of Medical Reimbursements of America, Inc., 6840 Carothers Parkway, Franklin, Tennessee, on June 26, 2017, for all purposes under the Missouri Rules of Civil Procedure.

It is agreed that Cassandra M. Beiling, being a licensed court reporter in the state of Tennessee, may swear the witness, and that the reading and signing of the completed deposition by the witness are not waived.

* * *

* * * * * * * *

MISTI VOORHIES

(Was thereupon called as a witness and, after having been first duly sworn, was examined and testified as follows:)

DIRECT EXAMINATION

BY MR. SCHWARTZ:

Q. Can you state your name for the record.
A. Misti Voorhies.
Q. And where do you live, Ms. Voorhies?
A. Murfreesboro, Tennessee.
Q. Okay. Can you tell me a little bit about your educational background.
A. Graduated from high school in '01 and attended MTSU for a few semesters.
Q. Where did you go to work after that?
A. Walmart.
Q. Okay. And how long were you at Walmart?
A. Seven years, I believe, roughly.
Q. So about when to when?
A. It would have probably been '02 to '10, roughly.
Q. Okay. And what did you do there?
A. Cashier and customer service, up front.
Q. Okay. Where did you go after Walmart?

A. I went to -- I believe it was MSM. It's called MSM Industries, in Smyrna.
Q. What do they do?
A. They handle under-laminate for your carpet, nonslip.
Q. How long were you there?
A. Probably two years.
Q. Okay. And where did you go to work after MSM?
A. I was at Verizon call center.
Q. How long were you at Verizon?
A. Probably around three years.
Q. That brings us to about what year?
A. So ten, twelve -- so my years are a little off. I started here in 2010, so ...
Q. Okay. That's all right.
A. It's off. It's definitely off.
Q. Did you go to MRA after Verizon?
A. Yes.
Q. All right. And when do you believe that you hired on at MRA?
A. It was June 21st of 2010.
Q. Okay. And what were you hired on as?
A. First-party claims rep.
Q. And what does a first-party claims rep do?

A. We handle any incoming claims and we coordinate insurance benefits for the patient.
Q. Tell me what you mean by handling incoming claims.
A. So the hospital will send us over bills. Once the bill has been put into the system and an account created, that's when it would come over to me to coordinate the insurance benefits.
Q. And tell me what you mean by coordination of insurance benefits.
A. We try to verify what insurances are available to the patient, starting with MedPay first, then health, and then liability, slash, attorney.
Q. Okay. And how was it that you went about determining what insurances were available?
A. Sometimes we got the insurances from the hospital. Other times we would call the patient. And then whatever was missing, we would just obtain from those two sources.
Q. Okay. Did you work on a particular team when you were first hired on?
A. Yes.
Q. What team did you work on?

A. Do you mean, like, supervisor?
Q. Did you work for a team for a certain location or a certain hospital system?
A. It was -- there was a number of hospitals in the team. I couldn't tell you what they were at this point.
Q. Okay. How long did you hold the job of a first-party claims rep?
A. I've been there seven years, so I would say probably about five years.
Q. Does that take us to about 2015?
A. Correct.
Q. Okay. Were you promoted?
A. I was.
Q. And what were you promoted to?
A. Team lead.
Q. And what team did you lead?
A. It would have been my supervisor at the time. So I was transferred to another team. Again, different facilities. I couldn't tell you which facilities they were. But I was under another supervisor, and I was his team lead.
Q. Okay. So does each -- strike that. Who was the supervisor that you worked under when you were first promoted to a team lead?

A. Oscar.
Q. What's Oscar's last name?
A. Beunrostro. I could not tell you how to spell it.
Q. How long did you hold the job of team lead?
A. About a year.
Q. What did you do after that?
A. Became a supervisor.
Q. What was the name of the group that you supervised?
A. It's just Team 3.
Q. How long did you hold the job of supervisor over Team 3?
A. I'm still a current supervisor.
Q. Okay. Do you know what year it was that you took the job as supervisor of Team 3?
A. It would have been, I think -- I think August of last year would been a year, so it probably would have been '15. So, again, my years are probably off by a year.
Q. Okay. How many people were working in Team 3?
A. When I first took over, I believe there were roughly 14 to 15.

Q. And can you categorize those 14 to 15 employees for me.
A. What do you mean by "categorize"?
Q. Well, what they did or what hospitals they do work for or --
A. There's about seven that worked for certain facilities. Again, they range, as far as states, from Illinois to Iowa. And then I had four or five that worked strictly Mercy accounts.
Q. Okay. When you first got to Team 3 -- strike that.
Was the Mercy account at MRA already in place by the time you became supervisor of Team 3?
A. Yes.
Q. Who was supervising Team 3 before you?
A. I don't know.
Q. Did you have to do anything to transition into the supervisory task of overseeing the MRA account for Mercy?
A. No.
Q. There wasn't anything that you had to meet with the previous supervisor to deal with?
A. No.
Q. Did Team 3 have any team leads that worked under you?

A. I did end up having two, yes.
Q. Okay. Were there two team leads in place in 2015, when you joined?
A. I don't remember.
Q. Who were the team leads?
A. At that time, it would have been a Chrisy Harkins. She was the one over Mercy. And then I had another one that worked the other team, which was Chris Fleming.
Q. What was the other team referred to as?
A. They're not referred to as anything. They're just Team 3.
Q. Is Chrisy Harkins still with MRA?
A. Yes.
Q. What is her position now?
A. Still team lead.
Q. For Mercy?
A. Yes. Well, for both teams now.
Q. That position was consolidated?
A. Correct.
Q. What do you call the folks that worked under Chrisy Harkins on the Mercy team?
A. They're just considered Team 3.
Q. But are they considered first-party billing reps or --

A. Yeah. All of them are just considered auto claims reps.
Q. Is there any difference between an auto claims rep and a first-party claims rep?
A. No. It was just renamed.
Q. Do you know when that took place?
A. I don't remember.
Q. Do the auto claims reps work with insurance other than first-party insurance?
A. We do. We handle all the insurances until we finish first-party. And then it gets moved on to another department.
Q. Okay. Tell me what you mean by handle all insurances.
A. So we try and figure out what all insurances are available; first-party health and liability. We will bill them as we see them, as far as coordination is concerned. And then after that, once first-party is resolved, we move that account to the next department.
Q. When you said you bill them in the order that you see them, can you explain that to me?
A. So if a patient has commercial health, we would not bill liability. If a patient has no health or government health, we would bill

liability.
Q. Do you ever bill commercial health insurance?
A. Some -- some provider, we do bill health. Not my team, no.
Q. Okay. So is it fair to say that Team 3 never bills commercial health?
A. Correct.
Q. And MRA never bills commercial health for Mercy?
A. Correct.
Q. We're going to come back to some of that, but can you tell me the individuals who have worked on the Mercy team since you've been there?
A. I can try to remember them all. Currently, I have -- well, currently my entire team works Mercy, because we've consolidated my team. So right now there's Chris Fleming, Dean Heckman, Mattie Marhine, Melissa Hunt, Catherine Richard, Gladys Hale, Nicole Wilson, Amanda Muleman, Shallyn Mosely, and Chrisy Harkins. Prior, it would have also included Tara Love. I believe that's all that can I remember at this time.
Q. Is Tara Love still with MRA?

A. She is not.
Q. Do you know why she left?
A. I do.
Q. Why?
A. Falsification of her time card.
Q. You listed out several people that are currently on Team 3. Which of those individuals worked on the Mercy account, exclusively, prior to the consolidation?
A. Shallyn Mosely, Chrisy Harkins, Nicole Wilson, Amanda Muleman, and Tara Love.
Q. Ms. Voorhies, when did you first learn about this case?
A. Last week.
Q. Prior to last week, you never heard about any litigation involving Ms. Hoops?
A. Never.
Q. Did Ms. Love tell that she was giving a deposition in this case?
A. She did not.
Q. Do you recall anyone coming to you prior to last week asking you for any information you may have had regarding Cindy Hoops' account here at MRA?
A. Nobody. Never.

Q. Have you had any conversations about this case with anyone other than a lawyer?
A. I have not.
Q. Have you gone back and looked at any documents relating to Cindy Hoops?
A. No.
Q. Have you gone back to look at any data on a computer --
A. No.
Q. -- relating to Ms. Hoops?
A. No.
Q. Do you know what month you became the supervisor of Team 3?
A. August. I believe it was '15. 2015.
Q. And you don't know who was working on the Mercy account, either as team leader or supervisor, prior to you in August of 2015?
A. No. No, sir. Not offhand.
Q. When you came on as supervisor of Team 3 and became responsible for the Mercy account, who did you report to?
A. Kristina Jolley.
Q. And in August of 2015, what was Kristina Jolley's title or job?
A. I don't know the official title. She

was manager over the auto department.
Q. Do you still report to her today?
A. I do.
Q. Do you know how long Ms. Jolley has been with the company?
A. I do not.
Q. Was Ms. Jolley at MRA when you joined the company?
A. In 2010?
Q. Yes, ma'am.
A. I believe so, yes.
Q. So you report to Kristina Jolley as the supervisor of Team 3?
A. Yes.
Q. How many other teams like yours report to Ms. Jolley?
A. For the auto department, there would be three other teams.
Q. I take it those are Teams 1, 2, and 4?
A. Correct.
Q. Does she supervise any other teams other than the auto department teams?
A. Currently, yes.
Q. What other teams does she supervise?
A. TPL and PCC and Health.

Q. I got the TPL and the Health. What was the other?
A. PCC.
Q. What is PCC?
A. Our patient contact center.
Q. Do you know who -- strike that.
Do you know when Ms. Jolley began supervising those other three groups?
A. I don't.
Q. Do you know who was supervising those other groups before Ms. Jolley?
A. Not offhand.
Q. When you joined the Team 3 as supervisor over the Mercy account, did you have to do some things to learn about what the nature of MRA's account with Mercy was?
MR. O'BRIEN: Object to the form.
BY MR. SCHWARTZ:
Q. Let me ask a different question. It was a bad question.
When you joined Team 3, what did you do to familiarize yourself with the Mercy account?
A. I reviewed the client profile.
Q. Okay. What is the client profile?
A. It lists specific information pertaining

to that client. Do we bill government health for them? Do we pursue liability for them? Things of that nature.
Q. Okay. I want to go through that with you. Where would you find the client profile?
A. Several areas. It would be attached -- there's a hyperlink in each account that we can click on. There's also one on our main Share Point page.
Q. Does the client profile look the same whether I access it by a hyperlink in each account or the main Share Point page?
A. Exactly the same.
Q. How many pages is it, roughly?
A. I would say roughly, maybe ten. That's a guess.
Q. Will you take me through and tell me, as best you recall, what information would be on Mercy's profile page?
A. It would list their tax I.D., their mailing address, their billing address, whether or not we would work premises accounts. It lists their liability, so what their threshold is for liability if we were to pursue it.
Q. What does that mean, "threshold for

liability"?
A. So if an account is under a thousand dollars, we would not pursue liability.
Q. But you still might pursue MedPay?
A. Correct.
Q. Do you believe that that's what the threshold is, $1,000?
A. It is $1,000.
Q. Okay. I'm sorry. Go ahead.
A. It lists if we are liability-elect for certain government payers.
Q. What does that mean?
A. So some clients want us to pursue the liability carrier before we bill or pursue government health, Medicare. When I say "we," that doesn't mean MRA. It just means the hospital. So the hospital wants to pursue and bill Medicare before liability.
Q. And what does Mercy do in that regard?
MR. ALLRED: Objection. Beyond the scope of the allowed discovery in this case. No relevance to the facts of this case, which discovery is limited to regarding Ms. Hoops.
BY MR. SCHWARTZ:
Q. You can answer.

MR. O'BRIEN: I'll join the objection, though. It doesn't have anything to do with Hoops's claims whatsoever.
You can answer.
THE WITNESS: I believe it's Medicare. I'm not sure what other government payers offhand, but we would pursue liability before we ask the client to bill Medicare.
BY MR. SCHWARTZ:
Q. Okay. Can you continue on with what else -- what other information is in the client profile?
A. It would list our account managers for Mercy. It would --
Q. Do you know who they are?
A. It is -- you put me on the spot. I can't think of, offhand. I'm sorry.
Q. Okay. Is there more than one?
A. There's only one.
Q. Is it a man or a woman?
A. I don't remember.
Q. Is that somebody you regularly speak with?
A. I know who it is.
Q. Okay. Great.

A. It's Jackson. It's a male. I believe his last name is Tucker.
Q. Go on with the client profile, please.
A. It will list if we accept any discounts for MedPay. So sometimes MedPay carriers will allow discounts.
Q. I'm not following. What is that? What is a discount for MedPay?
A. So a client may have a contract with, let's say, Coventry, which is a bill reviewer. So if the client has a contract with them, we may accept a 75 percent payment.
Q. And when you say the client may have a contract, do you mean Mercy -- or the hospital?
A. The hospital.
Q. And would that contract be with the MedPay insurer?
A. (No verbal response.)
Q. Who would the contract be with that it allows you to discount?
MR. O'BRIEN: Object to legal conclusions and object to foundation.
But if you understand the question and can answer it, you can answer it.
MR. ALLRED: I join.

THE WITNESS: I believe it would be between the bill reviewer and the hospital. I'm not 100 percent.
BY MR. SCHWARTZ:
Q. What is a bill reviewer?
A. A third party. So State Farm would send their bill to be reviewed by another company.
Q. Do you know if Mercy accepts any discounts with any providers?
MR. ALLRED: Objection. Lack of foundation as to this witness testifying about Mercy's procedures with regard to bill collection. No foundation, and no establishment of her knowledge. Just guesswork.
MR. SCHWARTZ: Yeah. Let me rephrase the question.
BY MR. SCHWARTZ:
Q. What does the patient profile -- strike that.
What does the client profile form say in regards to the Mercy program in accepting discounts for MedPay?
MR. O'BRIEN: If you know what it says. And don't guess or speculate. But if you know, you can answer.

THE WITNESS: I would have to look at it. I don't know.
BY MR. SCHWARTZ:
Q. In your experience, does State Farm MedPay use a bill reviewer?
A. I don't remember.
Q. What else would be in the client profile?
A. Without looking at it, I don't remember. Those would be some of the main points that would be listed in the profile.
MR. SCHWARTZ: Stephen, has the client profile for Mercy been produced in this case?
MR. O'BRIEN: I don't think so.
BY MR. SCHWARTZ:
Q. You had said that this client profile can be accessed by way of a hyperlink in each account. Can you explain that to me.
A. Each bill that comes in is attached to an account, the account number that we get from the provider. And at the bottom of our program, it will list the account number, it will list provider that's associated with it, and it will list, I believe, the date of service. And you can

click on the provider's name, and that's when it will pull up the client profile.
Q. Do you know if the client profile is updated from time to time?
A. It is.
Q. Do you know who is responsible for updating the client profile at MRA?
A. I don't know of everybody that would be. I can tell you that Jackson would be one of them, since he's the account manager.
Q. Can anyone at MRA update the profile?
A. No.
Q. So in other words, access to changes for the client profile can only be made by Mercy.
A. That I don't know.
Q. Do the auto claims reps have access to the client profile?
A. Yes.
Q. Are they trained on how to access the client profile?
A. Yes.
Q. Are they encouraged to look at the client profile in the course of their work in processing MedPay claims?
A. Yes.

Q. Can you give me, in your experience, different scenarios where an auto claims rep may need to access the Mercy client profile?
A. To see if we work premises accounts, to see if we work comp accounts, what the threshold is to pursue a liability, if we're liability-elect for certain government payers. Those would just be a few.
Q. Getting back to where we were prior to getting into the client profile, I asked you what you did to familiarize yourself with the Mercy account at MRA when you became supervisor of Team 3. Was there anything else that you would have needed to look at when you became responsible for the Mercy team to familiarize yourself with the Mercy account?
A. No.
Q. That was the quintessential document?
A. Correct.
Q. Was there any other information available to you, if you wanted to look at it, to have an understanding as to what MRA -- strike that.
Was there any other information that was available to you that you didn't access that would

have provided you information on what MRA does for Mercy?
A. Not that I can think of.
Q. Have you ever seen the document that has been marked as Exhibit 1?
MR. O'BRIEN: To Mr. O'Connell's deposition?
MR. SCHWARTZ: Yes.
THE WITNESS: (Reviews document.) No. This does not look familiar.
BY MR. SCHWARTZ:
Q. Okay.
MR. ALLRED: Off the record, Tom.
(Whereupon, Mr. Allred exits the room following an off-the-record discussion.)
MR. SCHWARTZ: And for the record, Exhibit 1 from the O'Connell deposition is the Accident Claims Management Agreement between MRA and Mercy; is that correct?
MR. O'BRIEN: Well she doesn't know.
MR. SCHWARTZ: Well, no. I'm asking you.
MR. O'BRIEN: That appears to be the document that you have there, yes.

You're going to have to swear me in next.
BY MR. SCHWARTZ:
Q. Ms. Voorhies, let me show you what has been marked as Exhibit 5 in the O'Connell deposition, which is the Mercy Shared Understanding document. I'll have you take a look at that and tell me if you've ever seen that before.
A. (Reviews document.) It does not look familiar, no.
Q. Were there any other notes or memoranda or other documents available to you, other than the client profile, that told you what work MRA did for Mercy?
A. Not that I can recall.
Q. Prior to -- well, strike that.
So can you tell me, as best you understand it, what MRA does for Mercy on the Mercy account?
A. We would receive the account. It would be reviewed for leads. So auto insurance, whether there's auto, health, or liability insurance. We would then coordinate those insurance benefits starting with MedPay first. From there, once

resolved -- by "resolved," it means whether MedPay is exhausted, we received payment, there is no MedPay -- we would move the account along, depending on what type of health insurance or if there is no health insurance.
For Mercy, in particular, if there was Medicare and liability, we would bill liability and send it over to the liability department if it was over $1,000 balance.
If there is no health, same process. We would bill liability, send it over to liability to track if it was over $1,000. If there was commercial health, we would return it back to the hospital for them to bill commercial at that time. We would request them to go ahead and bill commercial at that time.
(Mr. Allred enters the room.)
BY MR. SCHWARTZ:
Q. Does that summarize, basically, what MRA does for Mercy?
A. Yes.
Q. I want to go through a couple of those. First, let's talk about receiving the account.
A. Okay.
Q. What does that mean for the MRA/Mercy

account?
A. Typically, for any provider, we would get a bill electronically, and our data entry department would input that into the system and create an account for us to review.
Q. And when you say you receive a bill electronically, can you describe that for me?
A. You mean, like, what type of bill?
Q. Yeah. I mean, is it a collection of paperwork? Is it a simple form?
A. That I don't know.
Q. Do you regularly see it?
A. I only see it once the account is created, which, at that point, it becomes a UB-04. So before it gets to me, I don't know if it comes over as a UB-04 or if it's just information that they create into a UB-04. I don't know.
Q. Okay. Can you tell us what a UB-04 is?
A. A bill. That's the only thing I know it as.
MR. SCHWARTZ: Exhibit 26, Mercy 30 through 34.
MR. O'BRIEN: And you're only showing her the UB-04 out of there?
MR. SCHWARTZ: Yes.

MR. O'BRIEN: Which is the first page.
MR. SCHWARTZ: Yes.
MR. O'BRIEN: All right.
MR. SCHWARTZ: You've got a good memory.
MR. O'BRIEN: I was just looking at it.
BY MR. SCHWARTZ:
Q. Ma'am, let me show you what's been marked as Exhibit 26. And I'm going to just ask you about the first page of this document which has been Bates-stamped Mercy 30. Will you take a look at that for me, please.
A. Okay. (Reviews document.)
Q. What is that document?
A. A UB-04.
Q. Okay. Is that the form that you were talking about earlier?
A. Yes.
Q. All right. Does the billing in this UB-04 format come to MRA from Mercy, or does MRA create this form?
A. I don't know.
Q. Do you know what information Mercy sends

to MRA to start an account for a patient, and how it comes?
A. I don't.
Q. Is that not something that you regularly work with?
A. I don't. It's a completely different department, so I would not have any real knowledge of how it comes over.
Q. Okay. Could you explain to me the department that receives that information and tell me about that.
A. It's data entry. So they handle any incoming accounts and claims that we get.
Q. So for a new patient, the information sent to MRA from Mercy goes first to the data entry department?
A. I believe so, yes.
Q. Are there any data entry department employees that specifically work the Mercy account?
A. I don't know.
Q. Do you know who is the supervisor of the data entry department?
A. The manager would be Michael Fields.
Q. So whatever Mercy sends over to MRA's

data entry department, the data entry department then works on that information and presents that information in some format to the auto department; is that correct?
A. Yes.
Q. And what does the auto department typically receive from the data entry department on Mercy patients?
A. It's an entire account that's been created, so it will list the bill. It will list patient's information. So contact information, name, the account number, and then if there are any leads that came over from the hospital. By "leads," again, I mean insurances, whether that's auto or health.
Q. Okay. So it has the patient contact information?
A. Correct.
Q. The billing information?
A. Yes.
Q. And you said the third thing was leads?
A. Yes.
Q. Are those three things --
MR. O'BRIEN: I think she said account number third, but ...

BY MR. SCHWARTZ:
Q. I'm sorry. Well, let me go back and make sure. We have the patient information, the account number --
A. Correct.
Q. -- the bill --
A. Yes.
Q. -- and the leads.
A. And leads, yes.
Q. Those are the four things that you receive -- strike that.
Those are the four categories of information that the auto department receives from the data department at MRA?
A. I mean, there's other things we receive, like, I mean, they attach an entire account to give to us. So it's got the client profile attached. It's got the -- it's got Mercy. It's got the provider's name. I mean, there's a lot of different things that are attached to an account other than those four things.
Q. What does that look like? Can you kind of describe it for me. Is it a --
A. It's different tabs. So we have an in-house built program. So when we get the

account, there's tabs. We just click on each tab and it'll -- it has different information in each one.
Q. Okay.
A. It's hard to really explain.
Q. Okay. But getting back to what MRA does for Mercy, you said the first thing is, is you receive the account. Is what you just described for me what you meant by receiving the account?
A. Yes.
Q. And then you said once you receive the account, you coordinate those insurance benefits, starting with MedPay first; is that correct?
A. Yes.
Q. Okay. Can tell me what you do next with the information that you receive.
A. I don't think I really understand your question. I'm sorry.
Q. Yeah. No problem. Back before we got into the account and how you receive it, you basically gave me a summary of what MRA does for Mercy under the Mercy account. And you said after you receive the account, the auto department coordinates those insurance benefits, starting with MedPay first.

A. (Nods head.)
Q. Do you recall telling me that?
A. Yes.
Q. Tell me what you mean by that, what that means. And I want to take it through a step at a time.
A. Okay. So if we have a no-fault first-party lead, we would call that insurance carrier. We would determine if a claim has already been opened, and then we would ask if MedPay is available for that patient.
If we determine there is MedPay and the claim has already been filed, we would go ahead and obtain the adjuster's information and send the bill over to them.
Q. I want to talk to you a little bit about that. Where does the no-fault lead come from?
A. Several different ways.
Q. Okay. Explain to me what the various ways are.
A. It can come from the provider. It can come from a contact we had with the patient. Or it can come from a program that runs in the background to look for any claims that may be open for the patient.

Q. And I take it if the provider gives you the no-fault lead, it's in the information that you described as receiving the account?
A. Yes.
Q. Okay. And then the next place that a lead could come from, you said, is a patient contact; is that right?
A. Yes.
Q. Who at MRA does the patient contact for the Mercy account?
A. Again, it will vary. If there are no leads on an account, then our PCC department would make contact to the patient.
Q. PCC?
A. Yes. However, if there's a lead that comes in and it's labeled as no-fault but we determine it's liability, then my team would keep it and we would make a contact to the patient.
Q. Can you explain that to me.
A. So, for example, if a State Farm lead comes over, we assume that it's no-fault until we call. So if my team called State Farm and we determined that's actually a third-party liability claim, we would first see if they have first-party. If they don't, my team makes a call

to the patient to see if they've opened a claim with their first-party carrier.
Q. I want to talk to you about the patient contact. Are people in the auto department trained as to what to say to the patient when they call?
A. Yes.
Q. Tell me about that.
A. We explain that our calls are recorded. We explain coordination of benefits and how that works, that their no-fault carrier is primary, and then we lay out the process of how we bill or how billing is done in general. And then we ask if they have opened a claim with their insurance carrier.
Q. And how is the information provided to the auto claims reps as to what they should say?
A. They get that information during training.
Q. And have you ever seen any written documentation that sets forth what they're supposed to say when they contact the patient?
A. Yes.
Q. You have seen that?
A. Yes.

Q. And where did you see that?
A. It's in our training documents that are on our Share Point page.
Q. If the patient doesn't answer the phone and you get an answering machine, are MRA employees told what to say on the message?
A. I believe that is in our training as well, yes.
Q. And as best you recall, what does that training material say?
A. I don't remember. Something -- I don't want to guess. I don't remember.
Q. Do you know how they identify themselves?
A. As calling on behalf of the provider. So they give their name. "I'm calling on behalf of Mercy." That's how we identify ourselves.
Q. Do you ever identify yourselves as MRA?
A. Not to a patient.
Q. You had said that the calls -- that the patient is told that the calls are recorded. Are all calls recorded?
A. Not for everybody, but for my team, yes, every single call.
Q. Do you monitor those calls?

A. Not regularly.
Q. What would cause you to go back and listen to a recorded call?
A. For training purposes, if I'm looking at a work review, if there is a complaint from any individual, whether that's the patient, an insurance carrier. That's all I can think of right now.
Q. Do you know how long they're kept?
A. I don't.
Q. Are messages, phone messages, left for a patient recorded?
A. Yes. Every outbound call is recorded.
Q. You had said that the auto claims rep explains coordination of benefits to the patient. Can you tell me how they go about doing that and what they say.
A. This would not be verbatim. We would explain -- we would confirm that they're in an auto accident. We would then state, "We're coordinating your insurance benefits. I understand you were in an accident. I would like to see if you have filed a claim with your auto insurance." They would ask why.
We would say, "It's a coverage on your

no-fault -- or it's a coverage on your auto policy, regardless of who's at fault. It would be primary, and it would pay out to your limits until you settle. Or if there is no settlement, because there's no liability claim, it would minimize your out-of-pocket expenses.
From there, we let them know if they did not have the coverage, we would bill their -- the hospital would bill their health insurance and then liability would pay out once they have a settlement, again, if there is a liability claim.
Q. So the auto claims rep is told to tell the patient that the patient's MedPay is primary?
A. Yes.
Q. Is the auto claims rep trained or told how to handle a situation if the patient says, "I'm not going to tell you who my auto insurance is with"?
A. Yes.
Q. What do you do then?
A. We let them --
Q. Or -- strike that.
What are they told to do in that situation where the patient says that they won't tell them who their auto coverage is with?

A. Well --
MR. O'BRIEN: Object to relevance. It's not our situation. I don't ...
THE WITNESS: We let them know -- at that point, we would send -- depending on their health insurance, we would send the account back to the hospital for health to be billed or we would track the liability.
BY MR. SCHWARTZ:
Q. Is the auto claims rep instructed how to handle a scenario where the patient tells them that they don't want their MedPay billed?
A. Yes.
Q. What?
MR. O'BRIEN: Same objection, to relevance. It's not our scenario here. This is beyond the scope of discovery.
But you can answer his question.
THE WITNESS: We don't do anything. The same thing, depending on the health. What the situation is would determine what we do next, send it over to liability or return it.
BY MR. SCHWARTZ:
Q. Getting back to leads. You had said that the MedPay lead might come from the provider

and it might come from the patient, or there was a third category that you had mentioned, which is a program that runs from the background, I believe, is what you said.
A. Yes.
Q. Tell me what you mean by that third category.
A. If there are no leads that come through, there's a button that data entry -- it's not a button; it's a selection. It will say actionable leads. They would say no. And then a system goes out and tries to locate a claim for the patient. So there's certain criteria that this program looks. So the patient's name and some other items I'm not aware of runs in the background and it will pull back any claims that are open for the patient.
Q. So when you say that the program runs in the background, what do -- I'm not sure I understand that.
A. It's just a -- it just runs -- like, we don't do anything. It's just a system. It -- I guess -- I don't how it works, to be honest. It just runs in the background. It just goes out into internet world and pulls back claims that are

associated with that patient's information.
Q. Okay. What does somebody in the auto department have to do to trigger that program that runs in the background?
A. My team, auto team, does nothing. It's not us. It's data entry.
Q. But do you have to -- does somebody on your team have to request that?
A. No.
Q. Okay. So if the account is -- strike that.
When the account is received by data entry, if there's no leads from the provider, then the data entry department requests that this program run in the background to go out and get information?
A. Yes.
Q. Okay. So someone in the data entry department runs this program prior to your receiving the account from data entry?
MR. O'BRIEN: Object to foundation.
If you understand the process and know, you can answer his question.
THE WITNESS: Can you repeat the question?

BY MR. SCHWARTZ:
Q. Sure. You were telling me about this third category of a lead, and it comes from a program that runs in the background. And you had said that your department doesn't have anything to do with that, and your department doesn't even ask that that program be run. But it is run, if it is run, by the data entry department prior to you receiving the account. Do I have that correct?
A. Yes.
Q. Do you have any knowledge as to what program is used or how it works in the data entry department?
A. I do not.
Q. Can you tell by looking at the account information that you receive from data entry whether or not this program run in the background has been used for a particular patient's account?
A. Yes.
Q. How do you know that?
A. The bottom of the account, there is a notes tab, and if I click on that, I can see if that program ran or not.
Q. All right. So at this point, by the time you receive the information from the data

entry, you -- let's assume that you have a no-fault lead. What do you do with that no-fault lead?
A. We would call the insurance carrier, ask if a claim was open, and then ask if there is no-fault coverage available to the patient. If there is, we would obtain the adjuster handling that portion of the claim, and we would send our bill over to be on file.
Q. Okay.
MR. SCHWARTZ: Are you doing okay?
THE WITNESS: Yes.
MR. SCHWARTZ: Anybody need a break or anything before we get into another area?
(No verbal response.)
BY MR. SCHWARTZ:
Q. Are calls to the no-fault insurance carrier recorded?
A. Yes.
Q. Are auto claims reps trained as to what to say to the insurance company?
A. Yes. There's not a particular verbiage, but they are trained to ask certain questions.
Q. Is it similar to how they're trained to speak to a patient?

A. (No verbal response.)
Q. I mean, in other words, is it the same kind of guidelines or is there a script or -- how is the training? I have not seen the training.
A. The patient calls have a particular -- well, if we leave a message there's a particular script. But no, there's -- I don't think there's a particular script for either one.
Q. Okay. Are there guidelines?
A. Yes.
Q. Tell me about the guidelines, as you recall them.
MR. O'BRIEN: Is there a point to any of this?
MR. SCHWARTZ: Yes.
MR. O'BRIEN: I guess I'm just missing the relevance of what training our people have in talking to insurance adjusters.
MR. SCHWARTZ: Well, we don't know what MRA told State Farm when State Farm called. We haven't been provided a recording of that. We haven't seen a transcript of that.
MR. O'BRIEN: And what claim relates to whatever we might have said about ...
MR. SCHWARTZ: I'm sorry?

MR. O'BRIEN: What claim in this case relates to whatever conversations we might have had with State Farm?
MR. SCHWARTZ: Most of them.
MR. O'BRIEN: You have no claims about us making misrepresentations to State Farm, as best I know, right?
MR. SCHWARTZ: Well, I --
MR. O'BRIEN: Or any representations to State Farm. So I guess I just am missing the point.
MR. SCHWARTZ: Well, at the heart of our whole cause of action is how Mercy and MRA billed the auto MedPay.
MR. O'BRIEN: Right.
MR. SCHWARTZ: We claim that they shouldn't have.
MR. O'BRIEN: On what basis.
MR. SCHWARTZ: It's in our petition.
MR. O'BRIEN: Well, okay. You -- okay.
MR. SCHWARTZ: I mean, it's certainly relevant and discoverable. I mean, if -- if, you know --

MR. O'BRIEN: What's relevant and discoverable?
MR. SCHWARTZ: How they went about calling and making a claim.
MR. O'BRIEN: I'd like discovery on why you think there's a claim, why you think that has any pertinence whatsoever, because I don't think there's a legal basis to any of this stuff.
MR. SCHWARTZ: Well, you can direct her not to answer.
MR. O'BRIEN: I -- okay. I will not instruct her not to answer, but I think this is all pointless, and I think it's beyond the -- it's certain -- I'm not hearing anything that relates to Hoops.
THE WITNESS: I don't remember the question.
MR. SCHWARTZ: I'm sorry. Can you go back and read it.
(Whereupon, the requested question was read back by the reporter.)
THE WITNESS: To an insurance carrier, correct?
BY MR. SCHWARTZ:
Q. Yes, ma'am.

A. We just ask if there's a claim open for a patient. We give them the patient's name, a claim number, if we have it, and the date of injury.
Q. How do they identify themselves?
A. How does who identify themselves?
Q. How does the MRA employee identify themselves to the insurance company?
A. "Hi. My name is so-and-so. I'm calling on behalf of so-and-so."
Q. Do they say "on behalf of Mercy"?
A. If that's who we're calling for, yes.
Q. And then you tell them the patient's name and then -- continue on, please.
A. We ask -- we say, "I'm trying to locate a claim for this patient. Can you see if there is one?"
Depending on what criteria they ask for, that'll say, "Yes. Here's the claim number. Here's the adjuster handling it." And then we either ask them or the adjuster what type of coverage is available. So is this a no-fault claim? Is this a liability claim?
Q. Does the MRA employee tell the auto insurance company rep that the MedPay is primary?

A. No.
Q. Do you -- strike that.
Does the MRA employee tell the auto insurance company that they are doing a coordination of benefits?
A. There's a possibility.
Q. Does the MRA employee tell the auto insurance carrier that the patient has health insurance, if the patient has health insurance?
A. No.
Q. Is the MRA employee instructed not to tell the auto insurance company that the patient has health insurance?
A. I don't think there's ever been any word of that. I don't -- I don't -- I don't know.
Q. You don't recall that being discussed.
A. No, I don't.
Q. So what happens next? Let's assume that you talk with the insurance company and they tell you that the patient does, in fact, have auto MedPay. What does the MRA employee do next?
A. Fax over our bill.
Q. Okay. Do you fax over the bill even if you haven't spoken with the patient yet?
A. Yes.

Q. Do you fax over the bill as soon as you receive confirmation from the auto insurance company that the patient has MedPay?
A. Yes.
Q. Is there any criteria at MRA wherein auto claims representatives are instructed to first try to reach the patient prior to sending that bill over to the auto MedPay?
A. No.
Q. Are MRA employees instructed to contact the patient and give them a choice as to whether or not a bill is submitted to auto MedPay?
A. No.
Q. In the conversation that MRA auto reps have with the patient, are they instructed to tell the patient that the patient has a choice as to whether or not their bill is sent to auto MedPay?
MR. O'BRIEN: Object. Assumes facts not in evidence.
MR. ALLRED: Objection.
MR. O'BRIEN: Because she doesn't have a choice.
MR. ALLRED: I join in that objection. There's no foundation to the question that there's any obligation on behalf of MRA or

Mercy to apprise a patient about supposed rights that don't exist.
MR. O'BRIEN: Let me just object, too, that it's calling for a legal conclusion as well. So I'll just add that as a basis for the objection.
You can answer.
THE WITNESS: No.
MR. ALLRED: Did you get my objection, Ms. Reporter?
THE REPORTER: Yes, I did.
BY MR. SCHWARTZ:
Q. Just to confirm, you were not involved in the implementation of the Mercy account at MRA.
A. Correct, I was not.
MR. SCHWARTZ: Let's go off the record for a minute.
(Whereupon, a discussion off the record occurred.)
BY MR. SCHWARTZ:
Q. Let me hand to you what's been marked as Exhibit Number 12 from the O'Connell deposition. It's a pretty good stack of documents. And I'm going to ask you to take me through it and explain it to me. So I'm going to give it to you and give

you a chance to look over it and familiarize yourself with it before I start asking you questions. Okay?

A. Okay.

Q. And you take your time, and you sort of tell me when you're ready. And we'll be going through it so it's not like you have to go through and identify everything and memorize it. Just look through to make sure you're familiar with the various sections of it.

MR. O'BRIEN: Of documents like this one in particular, not of this particular document.

MR. SCHWARTZ: Well, both.

MR. O'BRIEN: Okay.

MR. SCHWARTZ: I'm going to ask her about that type of document, and then I'm going to have her take me through it.

If you remember, when we asked Ms. Love, she kind of said she wasn't -- and we're also going to talk about it today, so --

MR. O'BRIEN: I understand.

MR. SCHWARTZ: -- whichever.

MR. O'BRIEN: But I think she's able to talk about the documents in general.

Whether she knows these specific entries or this specific case, you can ask her. I just don't want to mix the two together, her general knowledge and her knowledge of Hoops.

BY MR. SCHWARTZ:

Q. Ma'am, have you gone through Exhibit 12?

A. I have looked at this, yes.

Q. Okay. And if you look at the top right-hand corner of those various pages, it looks to me like there are a series of documents here. In other words, the first two pages say 1 of 2 and 2 of 2. And there's another document that has three pages and another document that has nine pages. Do you see that?

A. Yes.

Q. Okay. I just wanted to kind of point that out to you.

A. Okay.

Q. Can you tell me, generally speaking, what do you call these types of documents that have been marked as Exhibit 12?

A. They would be the history of an account.

MR. O'BRIEN: And just for fairness to you, we, MRA, put these documents together and produced them to Mr. Schwartz. Mr. Schwartz

compiled them as -- all, 1 through 75, as they're numbered there. Whether that's the way you see them or use them or not, that's the way we gave them to Mr. Schwartz. That's how he has them. But I don't know that it's fair to you to say that 1 through 175 all go together in one little fell swoop the way he's packaged them up.

BY MR. SCHWARTZ:

Q. Right. I agree with that. And that's kind of why I was trying to point out to you, in the top right-hand corner that this exhibit, this Exhibit 12, is actually a collection of documents that were Bates-stamped 1 through 75 and produced to me. So I don't know what they are and how they differ from one another or where they come from or really anything about them.

A. Okay.

Q. So what I'm asking you to do is just explain to me generally what these various documents are. And we can start at the beginning and you can kind of tell me what it is, where I would find this, and what kind of information it would tell us.

A. So this would be -- these would be -- this information, you would find at the bottom of

the account, so where all these tabs are. So it looks like this one is the history of the account.

Q. Okay. When you say "this one," are you looking at a certain number of pages?

A. From what I can see, all of them -- no.

Q. Well, take your time and look to make sure that that's what they all are.

A. (Reviews document.) So the first 39 pages would be the history of an account.

Q. And can you tell me what that means, "history of an account"?

A. It will go through what has taken place on the account. So when the account was originally created in data entry, what has been done, what calls have been made, what changes have been made, if there's any leads that have been added to the account, who has been in the account, and who has done certain things to the account.

Q. Okay. So the first 39 pages is the history of the account. And is it organized -- remember, I had told you at the top right-hand corner, there is a page 1 of 2, that kind of thing?

A. Uh-huh.

Q. Is this organized by date? In other

words, if we look at the first two pages, it looks like, to me, that that's from 6/6/16; is that correct?

MR. O'BRIEN: Let me just object to foundation.

So to the extent you're speaking about this from your general experience and you guys are talking about these documents, that's fine. I just don't want it -- frankly, if you have specific information about this specific history and know it, that's fine, too. I just don't want to mix those two together. So if you're answering because you know MRA generally keeps these documents, I want that clear.

If you're answering because you know exactly what's on these pages because you've got information about these particular pages, that's certainly -- let's make that clear, too.

So I don't know what your foundation is for answering his questions. That's the reason for my objection.

MR. SCHWARTZ: All right. Well, let me clarify.

BY MR. SCHWARTZ:

Q. At this point, I'm not asking about any

specific information in these documents with regards to Ms. Hoops. I'm trying to understand what these documents are and how MRA keeps them and retrieves them. Do you follow me?

A. Yes.

Q. So I guess my question to you is does it -- in your experience with account history documents, does it appear to you that the account history documents are organized by date?

A. They are. So there's a tab. Once you go into the history tab, there's a date tab as well, and it starts the newest date that the account has been accessed and goes down to the oldest date.

Q. So, for instance, if we look at these particular pages, does it appear to you that the first two pages of the exhibit set forth the activities for this account on 6/6/16?

A. Correct.

Q. And then, for example -- and we won't go through the whole thing -- but the next three pages following that set forth the activities on 6/7/16.

A. Yes.

Q. And do these account history documents

pull together the activities at MRA for all departments, such as data entry, liability, auto, so on and so forth?

A. Yes.

Q. All right. We're going to come back to these, because I'm going to ask you if you can understand specifically what these say.

A. Okay.

Q. But let's go on to the next collection of documents that appears to me to be -- well, let's go on to page 40. And what I mean by page 40, the MRA number at the bottom, right-hand corner.

A. I'm there.

Q. What -- strike that.

Can you describe for me the next documents and what they are that begin at 40.

A. (Reviews document.) So 40 through 69 would be our notes tab, which gives you information as to if that program I spoke about earlier ran in the background. It also provides you with calls that have been made or any letters that have been sent.

Q. So the notes tab, which is pages 40 through 69 include information on calls made?

A. Yes.

Q. And letters sent?

A. Yes.

Q. Any other type of activity that's set forth in the notes section?

A. That program that I spoke about earlier, where it tries to obtain leads for us.

Q. Anything other than those three categories?

A. I think that's -- I think that's it. It will give when the account was closed. And I believe that's all. I could be mistaken.

Q. Okay. Let's go on to the next section.

MR. O'BRIEN: You can take it apart if you want to, if that's helpful.

THE WITNESS: Okay.

They appear to be our call forms.

BY MR. SCHWARTZ:

Q. 70 through ...

A. 75.

Q. 75. And what are call forms?

A. Any time we call an individual, whether that's the patient, attorney, an insurance carrier, we create a call form. And it will list the information that we were able to obtain.

Q. Would there be a call form for every call that's made?
A. There should be.
Q. At least that's the rule at MRA, is that if you make a call, you're supposed to fill out a call form?
A. Yes.
Q. Are you familiar with any documents, other than these three categories that we've just discussed and are set forth in Exhibit 12, that would tell us about MRA's activities with regard to a particular patient?
A. Not that I'm aware of.
Q. I take it that the recordings, the call recordings, would be something separate than these things?
A. Yes.
Q. Anything other than those?
A. Not that I'm aware of.
Q. All right. Okay. What I would like to do -- and we'll go through each of these three categories. And I'm going to ask you if you will take me through these dates and explain to me the information that's on there, and tell me if you can tell by looking at these documents what

transpired with regards to MRA's activities relating to Ms. Hoops.
A. Okay.
Q. Do you understand that?
A. Yes.
Q. Okay. Great. Let's start with 6/6 of '16. On that second box, next to "Motor Vehicle Accident," there's a number there. Do you know what that is?
A. Are you speaking of the Number 434? That number?
Q. Yes, ma'am.
A. That would be MRA's event number.
Q. What is an "event number"?
A. That's how we -- that's how we associate a patient. That's basically our account number for the patient.
Q. So in other words, an event number is an account number for the patient.
A. Correct, that MRA has created for that patient.
Q. And so, for instance, for this whole thing involving Cindy Hoops, there would be one event number.
A. Yes.

Q. All right. Thank you. And to the right of that, there are two dates, 5/31/16 and 6/6/16. What are those?
A. Those would be -- typically, those are dates of service so that -- she would have been seen from 5/31 to 6/6, or it could be from what the UB came over as her dates of service.
Q. You mean dates of service at the hospital?
A. Correct.
Q. And then to the right of that, there's the word "closed."
A. Yes.
Q. What does that mean?
A. It means the account is closed.
Q. Does it mean that it was closed on 6/6/16, when this -- these two documents were made, or closed when somebody went onto the system and printed these documents off?
MR. O'BRIEN: Well, I'm not sure the document was made on 6/6/16. I won't agree with you there.
MR. SCHWARTZ: Well, I guess what I was -- the events --
MR. O'BRIEN: I'll agree with you

the event is described there --
MR. SCHWARTZ: Okay. Well, let's verify so that we're on the same page.
The events set forth in this two-page document track the events of 6/6/16, but the document was created when it was printed off at a later date. Do I have that right?
MR. O'BRIEN: That would be my understanding. I'm not sure she -- the witness is going to know at all. But you and I can probably agree to something like that.
MR. SCHWARTZ: Okay. Can we just stipulate to that --
MR. O'BRIEN: There is a date of January of 2017 at the bottom right --
MR. SCHWARTZ: Yeah, January 6, 2017. That's when these were --
MR. O'BRIEN: Which is probably our production page -- yeah, that's probably when we were gathering the documents to produce --
MR. SCHWARTZ: And that's when they were printed off.
MR. O'BRIEN: I believe that's right.
MR. SCHWARTZ: All right.

BY MR. SCHWARTZ:
Q. So as you understand it, does that mean that it was closed as of that date?
A. Yes.
Q. Okay. "Driver contact attempts," what does that mean?
A. It means we were made aware that the patient was the driver in the accident, and we made two contact attempts to her. So phone calls.
Q. Okay.
MR. O'BRIEN: And, again, I just want it clear that she's reading and interpreting these documents. You haven't asked her if she is aware of Hoops or the situation. So I don't know if she's answering your question because she knows Hoops was -- we tried -- MRA tried to call Hoops twice or whether she's just reading the document.
MR. SCHWARTZ: Okay.
MR. O'BRIEN: But I assume that we're all comfortable that she's --
MR. SCHWARTZ: Okay. Yeah. No. I appreciate that. That's a good -- that's a good point.
BY MR. SCHWARTZ:
Q. Let's set these documents aside for a

second and let me just ask you a few questions.
A. Okay.
Q. Do you have any recollection, as you sit here today, separate and away from the documents we have in front of us, as to MRA's handling of Cindy Hoops' file?
A. I do not have any recollection.
Q. Do you know if you had any personal involvement other than your work as a supervisor of the Team 3 that handles the Mercy account relating to Hoops' file?
A. I don't remember.
Q. So as I'm asking you these questions, you're going to be looking at these documents and doing the best you can to interpret them for me, but you're getting the investigation from these documents, not any personal knowledge that you have.
A. Correct.
Q. Okay. So let's get back to these. Does this document, this first page, tell us when those calls were made to the driver?
A. Not this first page, no.
Q. And up in the right-hand corner, there's a name, Kathy Garst. Who is that?

A. She would be part of our legal department.
Q. Okay.
MR. O'BRIEN: For your information, the paralegal that helped us gather the documents for the production.
BY MR. SCHWARTZ:
Q. All right. So let's move on down to the events, the body of the document. Can you just generally tell me when the first event is and just kind of take me through it? Just generally tell me what this information is.
A. So this first page would be where we obtain the account from the provider, and it was entered into the system. The second page would continue that.
Q. Okay. So this information that's on these first two pages from 6/6/16, it looks like it's all timed at, like, 12:42 p.m. on 6/6/16. Is this information that came directly from Mercy to this system, or had data entry already worked with the information, if you know?
A. I don't want to assume. I don't know.
Q. So whether or not the information set forth on these two pages for 6/6/16 was like this,

as it came from Mercy or whether it had been culled out by the data entry department, you don't know.
A. Correct, I don't know.
Q. If we go down to this area that I'm indicating there, there's a line that says "Financial Class NG." What is that?
A. I don't know.
Q. And there's a line right under that that says "Facility, 21." Do you know what that is?
A. I don't.
Q. Let's go on to 6/7 of '17. On this document, under the "who" section, there's a column here that has "who" in other areas (indicating) and gives us the name. But there's no name under that. Do you know why?
A. Again, I would be assuming. It would be the system. And nobody has actually accessed the account to this point.
Q. All right.
MR. O'BRIEN: You don't have to guess. If you know, you can answer. If you don't, that's fine.
BY MR. SCHWARTZ:
Q. Down here at the bottom of the page --

and we're on MRA 3 -- it says "Institutional Claim 6/13/16." Do you know what that means?
A. The claim was attached. So the UB-04.
Q. Is a UB-04 claim institution -- or, I'm sorry -- is a UB-04 bill called an "Institutional Claim"?
A. Yes.
Q. Okay. This gets back to something we were discussing earlier. Does this tell us one way or the other as to whether the UB-04 claim that we looked at came from Mercy or whether it was created by MRA?
A. I don't know.
Q. But at any rate, this tells us that the UB-04 -- strike that.
Do you know why, on this page, which deals with events of 6/7 of '16, there's a date attached to the institutional claim that says 6/13 of '16, which is a later date?
MR. O'BRIEN: Objection. I think you're misreading the document. I'm not sure that's the case.
But if you know the answer and can correct it, you can answer.
MR. SCHWARTZ: Oh, I see.

THE WITNESS: I don't know.
MR. SCHWARTZ: I'm sorry. Right.
BY MR. SCHWARTZ:
Q. It says, "Date ready to investigate, 6/13/16." Do you know what that means?
A. I don't.
Q. Moving on to the next page, MRA 4, it looks like there are a series of charges for various services. Is that what this appears to be?
A. Yes.
Q. Is this typically how this information comes?
A. I don't know.
Q. Let's move on to MRA 6, which is a nine-page document that deals with events of 6/8/16. Do you see that?
A. Yes.
Q. All right. And it looks like the first name we see associated in these documents is Tara Love on 6/8 of '16; is that correct?
A. Yes.
Q. And I think the easiest thing might be if you just start at the top of the document and kind of tell me what these various activities were

as you understand them from reading this document.
A. So Tara, it looks like she opened a request to call the patient because we had no MedPay lead. She then closed it out. I'm --
Q. Does this indicate that she called the patient?
A. Not that I can tell from here.
Q. Did you say that she was making a request that the patient be called?
A. Yes. When we open a patient call request, we have to input information in order to go to the -- there's two parts to each call form. So the first one is going to be who we're calling and why we're calling. And then once you select "next," then it brings up the official call form. So she would have to enter in why she was calling, which would be why she put "will patient open a MedPay claim."
Q. In other words, does it appear to you at this point Tara Love, the plan was for her to call the patient and ask the patient if she was going to open a MedPay claim?
A. From this information, yes.
Q. All right. Because at this point in time, it's your understanding that MRA did not

know of any leads for medical payments coverage.
A. From my understanding, correct.
Q. Okay. What transpires next?
A. Once she closed it out, she billed a carrier, since it states "no-fault billing letter," and it was sent to the mail room to send out. So I don't know if it was faxed or mailed, from this information.
Q. What is a "no-fault billing letter"?
A. It's a letter that we attach to the bill stating we are billing the patient's no-fault. I don't know the exact verbiage of that letter.
Q. Do you know who the no-fault billing letter would have been sent to?
A. Not from this information, no.
Q. And that's at 12:38:50?
A. Yes.
Q. Okay. What happens next?
A. She updated the, what we call, phase detail.
Q. Let me stop you for a second. Okay. I'm sorry. It looks like this goes in reverse chronological order. So take a look at it, but it looks like --
MR. O'BRIEN: Well, we started at

6/6 and we're up to 6/8.
MR. SCHWARTZ: No, no. I mean, this particular document, this nine page document for 6/8 of '16.
MR. O'BRIEN: Oh, I got you.
MR. SCHWARTZ: It looks like it starts on the last page. So let's go the other way, and it will be clearer.
BY MR. SCHWARTZ:
Q. If you can start at page 9, which is at 8:28:15 a.m.
A. At what time?
MR. O'BRIEN: He's starting in the back.
THE WITNESS: Right. But 6/8 starts back here on page 14.
MR. O'BRIEN: And he's just telling you that the earliest events are back here going forward. So he just wanted to take you through the events of June 8th --
THE WITNESS: So you want to start at page 14.
MR. O'BRIEN: -- early in the morning and go through the day.
THE WITNESS: So on page 14, it

shows Amanda Higgins, which is our data entry rep. It looks like at that point she requested to have the program run in the background since there were no leads. It says, "Has Actionable Lead, No," so the system ran.
BY MR. SCHWARTZ:
Q. Is Amanda in data entry or in auto?
A. Data entry.
Q. Okay. So Amanda -- strike that.
Is this before the information is sent to the auto department?
A. Yes.
Q. Got it. Okay. So the first order of business on 6/8 of '16 is Amanda working in the data entry department, getting this file ready to go to auto.
A. Correct.
Q. And from this, it appears to you that she believed that there was no lead, so she had this program run in the background?
A. Yes.
Q. Go ahead.
A. The program ran and was successful, so Brittany Gilley came in and reviewed that response that we had got back from the program.

Q. Who is Brittany Gilley? What department does she work in?
A. She would have been on my team. I did not mention her earlier, as I forgot. She's no longer with us.
Q. Okay. So Ms. Gilley received the file from data entry?
A. It was assigned to her, correct.
Q. Was she the first one it was assigned to, based on these documents?
A. Based on -- I can't tell, based on these documents.
Q. And this says something on "Lead Name," going back to the first, and it says "Hayden Slavinski." Do you see that? Do you know who that is?
A. I don't.
Q. Go ahead. Continue on.
A. So on page 13, it shows that she added a lead of Progressive that would have come from the program that we received back.
And then on page 12, she made a call to Progressive and obtained the adjuster's information assigned to the patient's claim.
Q. Does it appear that she -- that

Ms. Gilley called Progressive?
A. Based off of what I can tell from this document, yes.
Q. So based on these documents, it looks like that was the first call made, was to Progressive?
A. Yes.
Q. Okay. Go ahead.
A. At that point, Tara came into the account.
Q. And is that just because Ms. Gilley left for the day or -- why does the account move from Ms. Gilley to Ms. Love?
A. That's not typically something that happens, so why that happened in this particular account, I could not answer. I don't know.
Q. Is it more typical for the same individual to stay on the account?
A. Yes.
Q. And why this moved on from Gilley to Love, we don't know.
A. I don't.
Q. It's not something we can tell from these documents?
A. That's correct, I can't.

Q. Okay. Go ahead.
A. It looks like Tara updated to reflect that this was a Liability BI claim. She updated the adjuster's contact information, from what I can tell. And then on her call form, she was able to determine from Progressive that the patient had State Farm Insurance.
Q. Does it appear that she learned about the fact that Ms. Hoops had State Farm automobile insurance from the Progressive adjuster?
A. From this information, yes, that's where she obtained the lead.
Q. Okay. Go ahead.
A. It looks like she billed an insurance carrier. I could not, from this information, give you which carrier, but I know that she sent out the liability letter. She then added the State Farm lead to the account.
Q. Let me go back for a second. Where are you looking at that says she sent out --
A. Oh, that would be on page 10. I'm sorry.
Q. On page 10?
A. The MRA page 10. It would be at 11:11:55. And then off to the right it says

"Liability Billing Letter."
Q. And by "Liability Billing Letter," does that mean that it was -- a bill was sent to Progressive?
A. I don't know which insurance carrier, based off of this.
Q. Don't we know by this point that State Farm is Hoops' carrier and Progressive is the other driver's carrier?
A. Yes. But if I were to tell you it's Progressive, I'd be assuming, so I don't know.
Q. Okay. All right. But in normal parlance, the other driver would be the liability letter and the no-fault letter would be to the patient's insurer.
A. Correct.
Q. Okay. Okay. Go ahead.
MR. ALLRED: Tom, just so I can follow the bouncing ball -- I may have missed it. You may have already -- I'm sure you already asked it. How did MRA know about Progressive?
MR. SCHWARTZ: They ran a search in the background.
MR. ALLRED: And found what?
MR. SCHWARTZ: Presumably

information about the automobile accident and who, at least, the other driver's carrier was. That's all we know.
MR. ALLRED: Okay. All right. It wasn't in the profile.
MR. SCHWARTZ: No.
MR. ALLRED: Okay.
BY MR. SCHWARTZ:
Q. Go ahead.
A. So she added the State Farm lead that she obtained from Progressive. On page 9, the only real information is she updated to show that -- she updated primacy, so she reflected State Farm was the primary insurance carrier in this account.
Q. Where do you see that?
A. It's at the very, very top.
Q. Okay. So is she -- strike that.
What does that tell you, looking at page 9 at the top of that where it says "Primacy 1"? What does that tell us?
A. In general, primacy would be how we coordinate insurance benefits. So it would be one, no-fault; depending on health, whether it would be second; and then liability, third.

Q. Okay. So is that the first time that somebody entered something on the system with regard to primacy?
A. That I don't know.
Q. How does that normally work? When does somebody make an entry that ends up in something being printed that says primacy?
A. Once we've obtained additional leads, then primacy is set. So if we only have a health lead, that's primary. It's set as 1.
Q. Okay. Go ahead.
A. On page 8 she calls State Farm. She confirms that there is a claim open for the patient and we obtain a claim number and the adjuster that's handling that claim -- well, in this case, it's a team that's handling that claim. So she obtains their contact information and updates it.
Q. Okay. So does this indicate that a second call was made, in Hoops' file, and that was to State Farm?
A. Correct.
Q. And that call was made by Tara Love?
A. Yes.
Q. Okay. Go ahead.

A. On page 7, she made a note stating, apparently, the patient may have another name that she goes by, which is Cindy Luna, and that no injuries had been reported. It gives who she spoke to at State Farm.
Q. Was this the same phone call?
A. It appears so, yes.
Q. Who did she speak with at State Farm?
A. Kristy. And then she sent out the bill to State Farm.
Q. And that would have been the second letter sent?
A. Correct.
Q. The first letter, we don't know who it was sent to, but it was referred to as a "liability letter"?
A. Yes.
Q. And then the second letter was a letter to State Farm?
A. Correct.
Q. And that letter was with the bill?
A. Yes.
Q. And can you tell me, when a letter goes out to State Farm in a scenario like this, what is sent?

A. The liability -- I'm sorry -- the no-fault letter, just standard.
Q. What's the no-fault letter?
A. It's the first page attached. Again, I don't know the verbiage of it.
Q. Is that the one that says "Assignment of MedPay"?
A. Yes.
Q. Okay. Is that all we sent out?
A. Yes. With a no-fault carrier -- to a no-fault carrier.
Q. And do you send that letter -- strike that.
Does MRA send that letter out to MedPay carriers for all Mercy patients?
A. Yes.
Q. And is the same letter sent out to other -- strike that.
Is that same letter used to bill MedPay insurers for all hospitals?
A. Yes.
Q. Has MRA used that letter as long as you've been at MRA?
A. A form of that letter, yes.
Q. Do you know when MRA started using the

letter that is at issue here in this case?
A. I don't.
Q. Do you know who at MRA decides what goes into those kinds of letters?
A. I don't.
Q. Go ahead. So you said that the cover letter goes to the insurer. What else?
A. And the bill.
Q. And the UB-40?
MR. O'BRIEN: 04.
BY MR. SCHWARTZ:
Q. I'm sorry. UB-04?
A. Yes.
Q. All right.
A. And there's also a -- it's the no-fault billing letter. There's a status questionnaire so that the adjuster can fill it out saying, "Is there no-fault? Is it exhausted? Was payment issued? Who is it issued to?" So it's something the insurance carrier will keep on hand and fill out once they research it. And then the UB-04 is also attached.
Q. Let me show you what has been marked as Exhibit Number 4. Have you seen -- not that particular document that is assigned in the Hoops

case, but have you seen that document that is entitled "Mercy Consent and Agreement"?
A. An AOB, I have seen them, yes.
Q. Okay. Have you seen that particular form, that consent and agreement?
A. Not that I remember.
Q. Okay. Do you know if that form is sent by MRA to the MedPay insurer when you bill the MedPay insurer?
A. Sometimes.
MR. ALLRED: Just to be clear -- objection -- she's never seen that document before, and you asked her that document. And she's talking about an AOB, which is a penumbra, if you will, of AOBs. She's not saying that document is sent, because she hasn't seen it before, just so we're clear.
MR. O'BRIEN: So in general, do we send AOBs to MedPay carriers?
BY MR. SCHWARTZ:
Q. Yeah. As a general proposition, does MRA send a signed assignment of benefits form to the MedPay insurers?
A. Sometimes.
Q. When do they send one and when do they

not?
A. We send them if the adjuster requests it. We send them for certain insurance carriers and states. We request them up front. And I believe that's all.
Q. Is there anything about Missouri, specifically, that relates to whether or not you send a signed AOB?
MR. ALLRED: Objection as to lack of foundation of this witness, one, knowing anything about Missouri; and, two, when you say "Missouri," what does that mean? Regulations of the Department of Insurance? State Statute --
MR. SCHWARTZ: Let me rephrase the question.
BY MR. SCHWARTZ:
Q. You said that sometimes MRA sends a signed AOB to the MedPay insurer depending upon the state or the insurer. Did I have that right?
A. Correct.
Q. All right. So this case was in Missouri. In your experience in dealing with MRA, do they do anything with regard to sending a signed AOB if the patient is in Missouri?
A. We do, but without looking at training,

I could not tell you the exact ...
Q. All right. But as you sit here today, you think that there's something with regard to Missouri one way or the other.
A. Yes.
MR. ALLRED: Objection.
BY MR. SCHWARTZ:
Q. We'll get to that.
MR. ALLRED: Objection. I think that mischaracterizes her testimony. I don't believe it was established that she knows anything about but, I guess, an implied Missouri requirement. I don't recall any such testimony coming out of her mouth, and I don't recall any such question as to any Missouri requirement. I don't get that. So I don't --
BY MR. SCHWARTZ:
Q. Have you ever --
MR. SCHWARTZ: I'm sorry. Are you finished?
MR. ALLRED: Yes.
BY MR. SCHWARTZ:
Q. Have you ever instructed your employees who work on the Mercy account to send signed AOBs for Missouri Mercy files?

A. Me, personally, no.
Q. Okay. Have you heard of anyone else telling your employees that they need to send an assigned AOB if it's a Missouri Mercy case?
A. Not me. I have not heard, no.
Q. Is there anything in these documents that are contained in Exhibit 12 that tell you whether or not this document that's marked as Exhibit 4 was sent to State Farm?
A. Is this -- I'm assuming -- oh, this is 12.
Q. That's Exhibit 12.
A. So you want to know if anything --
MR. O'BRIEN: Do you want her to look through all --
MR. SCHWARTZ: No.
BY MR. SCHWARTZ:
Q. Is there anything that you would look to to say, "Well, if we sent this document out, this Exhibit 4, signed consent and agreement, then I could tell that from looking at a particular document"?
MR. O'BRIEN: So would there be a notation about an AOB going in these -- in --
//

MR. SCHWARTZ: Yeah, one way or the other.
THE WITNESS: In this ...
(Reviews document.) I can assume. So no, I can't tell you. There are certain things that we send out, so I could say that it went out. But unless I'm actually looking the physical account, I cannot tell you.
Q. So as we sit here today, in your review of the documents that you've been provided, whether a signed AOB went out to State Farm or not, you don't know.
A. I could not tell you based off of this right here (indicating).
MR. O'BRIEN: "This" being Exhibit 12.
THE WITNESS: Correct.
MR. ALLRED: Tom, do you want to do five minute -- no more than five-minute head call, or do you want to wait till the top of the hour?
MR. O'BRIEN: Do you need a break?
THE WITNESS: I'm fine.
MR. O'BRIEN: You're fine. Allen, apparently, wants a break.
MR. SCHWARTZ: Then let's take a

break.
(Recess observed.)
BY MR. SCHWARTZ:
Q. Ma'am, we talked a little bit about what was probably sent to State Farm by MRA in the form of a bill, and you were taking me through Exhibit 12 for the events of 6/8. So can you continue from there? I believe that you were on --
MR. O'BRIEN: Page 8?
BY MR. SCHWARTZ:
Q. -- page 8.
A. She updated the State Farm lead to show their team handling the claim. And then on page 7 is where she entered that the patient may go by a Cindy Luna. She updated to show that the bill was sent, at the top. And then on page 6 it shows the letter went to the mail room. The letter was a no-fault billing. And her follow-up shows, "Was MedPay opened?" At that point, that's when she made the request to call the patient to see if she would be opening the MedPay portion. Well, she, yeah, made the request to call the patient.
Q. Okay. And who would she have been requesting to call the patient?

A. We would have, my team. Her. Tara would have made the call.
Q. So why does she have to put in a request?
A. That's where earlier when I said there's two parts, you have to open the request, enter in certain information, and once you select next, that's when the actual call form ...
Q. All right. Let's move on to 6/10 of '16, which is the next date. It looks like that's a two-page document. So, again, going in reverse order, let's look at MRA 16, if you could pick up where you left off.
A. It shows that I entered the account and closed an activity. I don't know what that activity would be, based off of this information here.
Q. So why would you have gotten involved at this point?
A. There are numerous reasons. It could have been something as simple as the program that runs in the background to give us leads. There may have been an update, so I would have come in and just dismissed that.
Q. Dismissed what?

A. That activity. That -- if the program comes back with an update, typically it could be anything as simple as a period was added to the program, to that particular update that came back to us.
Q. Are you talking about the results --
A. Correct.
Q. -- of the search that's done in the background?
A. Yes.
Q. Okay.
A. So I would have come in and just dismissed that, so that way my reps -- it's basically busy work. My reps do not need to see that. So I would have come in and dismissed it.
There's numerous reasons as to why I would have come in and closed out an activity.
Q. What is in the right of that bottom section? It says MRA/baynem, B-A-Y-N-E-M.
A. That's my maiden name.
Q. Okay. Got it. And is that still how the computer tracked you, at least as of that date?
A. It still tracks me as of today's date.
Q. Okay. All right. Go ahead.

A. I can't really tell much more on this, page 16, as to what took place, based off of this information. It looks like a letter would have gone out. It shows pending to an address.
Q. Do we know who the letter was from and who it was to?
A. It would have been from us, but based off of this address, I don't know whose address that is, so I'm not sure.
Q. Where do you see an address?
A. On the right-hand side, at 5:09:45, it shows 10091 Buffton Drive.
Q. All right. So if that is Hoops' address, does that tell you that a letter was sent to Hoops?
A. If that is her address, then yes.
Q. All right. So that's the third letter that was sent out, and that was to Hoops on 6/10 of '16?
MR. O'BRIEN: That's --
BY MR. SCHWARTZ:
Q. Or a letter to Buffton Drive was sent on 6/10 of '16.
MR. O'BRIEN: Yeah. You and I may agree to that, but this witness doesn't, for

foundation.
MR. SCHWARTZ: Right.
BY MR. SCHWARTZ:
Q. But is it fair that that's the third letter that we've seen in this trail that we're going through?
A. From what I can tell, yes.
Q. Okay.
A. On page 15, she made a call -- Tara made a call and left a message on a voice mail. From this information, I cannot tell you who that message was left for or what call was made, to who.
Q. Okay. And that would have been the third phone call made, at this point? We had a call to Progressive --
A. From what I can tell, yes.
Q. -- a call to State Farm, and then a call to -- this call that was left went to voice mail?
A. Correct.
Q. Okay. What is -- what do you see on page 17?
A. A letter request. Without assuming, I'm not sure exactly what that means.
Q. But this is a letter request?

A. That's what it's labeled as, yes.
Q. And the letter request was made on 6/11 at 6:01?
A. From this document, yes.
Q. Okay. And then what's the next document, on page 18?
A. Again, a letter request. And it's showing the letter, successfully, was delivered.
Q. On 6/13 of '16?
A. Correct.
Q. Again, we don't know what letter this refers to?
A. I don't.
Q. Okay. What do we have on page 19? It looks like that refers to activity on 6/15 of '16?
A. Looks like that's the program that I've previously mentioned to obtain leads. It came through again, and Tara just closed that activity out.
Q. Page 20?
A. It looks like the program came back with a lead, or no lead. Again, it could be anything. But the program came back with an update.
Q. And, again, what this program is and what it does and who runs it and what information

it pulls, you have no knowledge of.
A. Correct.
Q. Do you know what department does? Is that all data entry?
A. I don't know.
Q. On page 21 for 6/20/16?
A. Tara closed out some activities. She updated the patient's role to show that the patient was the driver and a third party was at fault.
Q. And where did she get that information from?
A. The program, from the previous day.
Q. So the program that runs in the background is continuing to mine other information and send this information to you-all in some format?
A. Correct.
Q. Do we have any documents in front of us that tell us what that program that's running in the background is gathering up relative to Ms. Hoops' case and providing MRA?
A. That I don't know.
Q. Do you know what department would know about that?

A. I could pull the information. It's not on -- it's not in this document, though.
Q. How would you pull that information?
A. I would go to the actions tab, which is right next to the history tab.
Q. And what would that show you?
A. It will pull up exactly what was pulled back to us to view.
Q. Okay. Continue on with 6/20.
A. She left another voice mail on 6/20.
Q. Do we know who for?
A. I do not, based off this information.
Q. Okay. And that was the fourth phone call?
A. From what I can tell, yes.
From there, it looks like the program ran again on 6/20 around 10:00 that night. I would have entered the account on 6/21. So on page MRA 22, I would have closed that activity out.
Q. Let me go back to page 22 again. It says "Accident, Intersection, IV ran red light and" -- what does "IV" stand for?
A. I don't know.
Q. Who would have entered that information

onto this form?
A. It's automatic. It comes from that program that feeds back to us, and that's automatic. It was already in there.
Q. All right. Okay. Go ahead.
A. (No verbal response.)
Q. So on page 23 for 6/22/16?
A. It appears again that the program ran. And on page 24, Tara closed that out.
Q. It looks like the next date for some activity is all the way to 7/5/16.
A. Yes.
Q. And that's MRA 25?
A. Correct.
Q. Does that tell us there that there really wasn't any activity between 6/23 of '16 and 7/5 of '16?
A. From this, from what I can tell, that's correct.
Q. Okay. All right. Now, please tell me what you can tell occurred based on MRA 25.
A. Tara closed out an activity. I'm not sure what that activity is, based off of this. She then sent the account over to our liability department.

Q. Tell me what you mean by "sent the account over to our liability department."
A. She changed the -- she opened an activity and assigned that activity to our TPL department.
Q. The TPL department and the liability department are the same thing?
A. Correct.
Q. In other words, when you use the term "liability," you're talking about the TPL.
A. Correct.
Q. Okay.
A. A lien request was automatically opened, based off of the criteria that was listed.
Q. Tell me what you mean by a "lien request" and the "criteria." Where are you seeing that?
A. Well, there -- it shows a lien request was opened at 11:45:21 a.m.
Q. Okay. And so does it appear from this that on 7/5/16 Tara Love requested that a lien be asserted to Progressive?
A. Based off of this, from what I can tell, yes, it looks like Tara requested it.
Q. Okay. Is that something, typically,

that the auto department does, or is that something that the third-party liability department does?
A. It can be both. But typically, auto would request that lien.
Q. So the auto department deals with third-party liens.
A. We only open an activity to have one filed. We do not actually do the filing.
Q. In other words, is that your way of communicating to the third-party liability that you think a lien is appropriate?
A. That is our way of telling our legal department that we think a lien should be filed. And they would research.
Q. The legal department researches to see if a lien should be filed.
A. From what I know, yes.
Q. Okay. Continue on, please.
A. She updated the -- she updated one of the leads -- based off of this, I can't tell you which one -- to show that the patient -- what we'd -- our terms, MRA's terms -- refused to open a claim with the carrier.
Q. Where do you see that?

A. That would be at 11:45:35. This is just a general -- we have codes that we use. It's just a general code that was used to show that there was no claim open, because the patient did not file one.
And then it looks like --
Q. There was no claim open with who?
A. I can't tell by this information.
Q. What does A0-16 mean?
A. It means we submitted a claim to an insurance carrier. By "claim," that means a UB-04.
Q. And do you know what insurance adjuster this is referring to?
A. Not based off of this specific document, no.
Q. Okay. And then to the right of that, there's a number that looks like F4-629. What does that mean?
A. "No funds were available from this payer because the patient refused to open a claim." And I'm reading that directly from the document.
Q. And do you know, would have been verbiage that Tara Love would have entered into the system?

A. No. It's already -- we pick the number that best fits what is currently going on with that account. That number -- well, that F4-629 is always associated with that verbiage.
Q. Okay.
A. So we don't enter in a specific verbiage, no.
Q. Does this indicate to you that someone from MRA talked to Ms. Hoops and she refused to do something?
A. Based off of this, no. I can't tell.
Q. Okay. All right. Continue on, please.
A. The program ran again in the background on 7/5. And then on 7/7, MRA page 26, it shows that our liability department entered the account -- well, I misspoke. Somebody else, other than auto, entered the account.
Q. What do you mean by "entered the account"?
A. They came in to research or do what they needed to do on the account.
Q. Okay. And is that Joshua Carlson?
A. Correct.
Q. Do you know what department he worked at back in July of '16?

A. I do not.
Q. And what does it indicate that Mr. Carlson did once he entered in to the account?
A. There was a letter, a lien notice letter, that was sent. It looks like there were two of them.
Q. Does it indicate who they were sent to?
A. It does not. Not that I can tell.
Q. Have you ever seen the name Joshua Carlson before?
A. I have.
Q. Where have you seen that?
A. In accounts.
Q. Do you know if he works in third-party liability?
A. I do not know.
Q. So on 7/7 of '16, there were two more letters sent?
A. Correct.
Q. Okay. Let's go on to the next.
A. MRA page 27, I'm not sure what -- based off this, I'm not sure what took place, of what's listed.
On 7/8, the program ran again for leads.
Q. And this is the program in the background?
A. Correct.
Q. Do we know what it was telling you at that point?
A. I don't, without looking at the actual response.
Q. Let's move on to 7/12/16.
A. I'm not sure what took place on this date, based off of what's here in front of me.
Q. Okay. So that's a -- all right. Does it indicate that the program was running?
A. Not that I can tell.
Q. 7/13 of '16?
A. Chrisy Harkins entered and closed out some activities. I'm not aware of what activities, based off of what I have here in front of me.
Q. What does that mean when you say they "closed out some activities"?
A. It could mean a lot of things. There was just an activity that's sitting there that needed to be addressed, whether it's just a note of some kind -- I mean, it could be anything. Just -- nothing that needs to be followed up on. It's just an activity that needs to be closed.

Q. Okay. 7/20/16?
A. Based off of this, I'm not sure what took place.
Q. On the 7/20 document, which is MRA 31, over on the right-hand column, a couple of times, it refers to "Activity Type," and it says "Duplicate Custom Field System." Or Duplicate Custom Field System."
Does that mean anything to you?
A. Not to me, no.
Q. 7/29 of '16?
A. It shows --
Q. And it looks like this is a three-page document.
A. Okay. So it shows Magen Hendrix came in and opened a transaction for a payment that was received.
Q. Right. And can you tell what payment was received?
A. Based off of this page, MRA 34, no I cannot.
Q. Would this indicate whether that payment was physically sent to MRA or whether the payment was physically sent to Mercy?
A. Based off of this document, I cannot

tell.
Q. How does that typically work?
A. What do you mean by "typically work"?
Q. In other words, does the MedPay insurer send the money to Mercy Hospital or do they send it to MRA?
A. It depends. They are -- they typically send it to the client. Sometimes they send it here.
Q. Can you tell from any of these documents where they sent it?
A. I can tell from this document where it was sent, yes.
Q. All right. Where were the funds sent?
A. It would have gone to the client, based off of MRA 33.
Q. So how did you -- strike that.
How did MRA know that this $5,000 was sent to Mercy?
A. Our AR department searched the client from this. I can tell they searched the client system and located that payment on the patient's account.
Q. Where can you tell that they searched the system?

A. On MRA page 33 at 11:27:03 a.m.
Q. Does it -- and this was Magen Hendrix. Does it look like she was just checking the system to see -- following up to see if the money came in?
A. Correct.
Q. All right. And she checked, and the money did come in?
A. Correct.
Q. And what is she documenting on this system?
A. She placed the payment in our transactions tab and invoiced it, and then set up what we call an underpayment activity.
Q. So does this -- going back to -- does this indicate that the $5,000 was received by Mercy on 7/19 of '16?
A. (No verbal response.)
Q. I'm looking at the bottom of --
A. Yeah. I'm not -- yeah. It shows it posted in the client system on 7/19/2016.
Q. Okay. What did you do next once you'd learned that $5,000 had been paid by State Farm to Mercy?
MR. O'BRIEN: What did MRA do, not

what did Misti Voorhies do.
BY MR. SCHWARTZ:
Q. What did MRA do?
A. MRA would have invoiced it, and then an underpayment transaction activity would have opened for my team to review.
Q. Okay. Tell me what you mean by "invoiced it."
A. It's just input into the system. I don't know how AR handles payments.
Q. What is "AR"?
A. Accounts receivable.
Q. Thank you. And what was -- what did you say after that?
A. They would open an underpayment activity.
Q. Okay. What is an "underpayment activity"?
A. It's basically alerting my team or the auto team that a payment has been received, and for us to review it.
Q. And who reviewed it?
A. I would have reviewed it, based off of this document.
Q. On 32, close to the bottom here --

A. Okay.
Q. -- there's a notation made by, I suppose, Magen Hendrix of an adjustment of $1,519.54. Do you know what that means?
A. I do not.
Q. Do you, in the course of your work on the Mercy account, ever deal with adjustments?
A. Not that I can recall offhand.
Q. Above from that, can you tell me what happened next?
A. So after Magen opened the underpayment activity, I came in and completed that activity and updated to reflect that the payment was received from State Farm and it exhausted the patient's benefits. And then something looks like I opened a request for a lien from Missouri.
Q. At this point, you had requested a lien?
A. It looks like, based off this, yes.
Q. All right. And so you had requested a lien to whom?
A. It would have gone over to the lien department. So they would have reviewed to file -- go ahead and file that lien.
Q. And that was going to be a lien for what, for what amount?

A. It would have been for the remaining balance after the $5,000. And I'm not sure what that balance would be, based off this.
Q. Okay. Let's move on to 8/4/16, which is MRA 35.
A. Joshua failed the lien request. I can't tell you why, based off of this.
Q. Are you looking at 35?
A. Yes.
Q. Okay. I'm sorry. He said -- you said he "failed it"?
A. Joshua failed the activity for the lien request.
Q. What does that mean?
A. It means it didn't meet criteria for some reason. It could vary as to why that reason is. And it went back to Tara to review.
Q. And what did Tara do?
A. She closed out the activity. And that's all I can tell from this page.
Q. Okay. Let's go on to 8/22/16.
A. Brittany Bishop entered the account. She closed out an activity.
Q. Who is Brittany Bishop?
A. She's in our TPL department.

Q. I'm sorry. And what does this indicate that she did?
A. She closed out some activity. I can't tell you what activity that is. And then a letter was sent out. I can't determine who that letter went to, based off this.
Q. But it was sent out on 8/22/16?
A. Correct.
Q. Okay. 9/15 of '16?
A. Cindy entered -- Cindy Collins entered the account and shows a lien release notice letter on 9/15, and some activities were closed out. Again, I'm not sure what activities those are.
Q. What department is Cindy Collins in?
A. She's part of our legal department. And then it shows the account was closed out. The entire account was closed.
Q. On 9/15 of '16?
A. From what I can tell, yes.
Q. Let's go on to 12/7/16.
A. Okay.
Q. What does this indicate?
A. It show that the lien was released, and I updated the close return text from service exception to reflect that it was closed because we

received a payment that exhausted the patient's benefits.
Q. So if the file was closed by Cindy Collins back on 9/15 of '16, why was there activity on 12/7 of '16?
A. Because the way that an account is closed, we track it for MRA purposes. That's beyond my knowledge. But I know that we track as to why accounts are closed based on the close return text. So, in this case, it was closed incorrectly, based off the return text, so I updated it. It remained closed. It never reopened. I just updated it to reflect the correct reason it was closed.
Q. Okay. And under there -- strike that. On that page, which is MRA 39, it says, "We are returning this account to your facility for health insurance billing." Is that correct?
A. Under the "was" part?
Q. Yes.
A. Correct.
Q. All right. So is it at this point that MRA sends the account back to Mercy for health insurance billing?
A. Not on 12/7, no. That would have

been --
Q. When was that?
A. On 9/15/2016, when the account was originally closed.
Q. So it was on 9/15/16 that Cindy Collins from the legal department closed the file and returned the account to Mercy for billing of the health insurance.
A. Based off of the return text, yes.
Q. Let's move on to 40 through 69, which are the notes tabs. If you can take me through those.
A. Through 69?
Q. Yes, ma'am.
A. Okay. Is there a specific question you want to know?
MR. O'BRIEN: Well done.
BY MR. SCHWARTZ:
Q. How are these organized? Are these by date?
A. It appears so, yes.
MR. SCHWARTZ: Let's go off the record for a second.
(Whereupon, a discussion off the record occurred.)

BY MR. SCHWARTZ:
Q. Ms. Voorhies, we're looking at these documents that are 40 through 69, which is, according to your testimony earlier, parts of the notes tab on MRA's system. Can you tell me how these are organized? Are they chronological?
A. It appears they are, yes.
Q. And do they go in reverse order?
A. Yes.
Q. All right.
A. From oldest to newest. They're all the exact same thing. It's all -- just -- each tab, it kind of gives you more information as to what took place on that day.
Q. So does this information track the information that is in the account history documents that are marked MRA 1 through 39?
A. At a high level, yes. So it's not as detailed as the history tab.
Q. All right. In other words, what we just went through is more detailed than this.
A. Correct.
Q. Let's take a look at 68. I'm going to go through these in reverse order, if that helps.
MR. ALLRED: You know what you

could do, since you just hung up on the binding company thing, why even go through it with her? Why not just ask the 30(b)6, unless Stephen agrees to something else? You know -- I mean, because you're getting it twice then. Because if you think it's superfluous coming from her, why not just ask the 30(b)6?
MR. SCHWARTZ: Well, we're working through it. Let's just go a step at a time. We can -- I mean, you know --
MR. ALLRED: Do you see my point?
MR. SCHWARTZ: But she has --
MR. ALLRED: If you don't think it means any consequence, what she says, well, then, okay.
MR. SCHWARTZ: Well, I think it is of consequence because she had knowledge and she knows --
MR. ALLRED: Well, they contradict each other, I guess, but, you know, I don't -- I know Steve's not going to have that.
MR. O'BRIEN: He just wants to learn. He's just asking his questions.
BY MR. SCHWARTZ:
Q. Page 68, towards the top, it says

"Denial Reason," and it says, "Service exception health carrier exclusions. What does that mean?
A. Typically, that means -- now, again, I'm not talking about this particular account. Typically, that means that the provider does not want us to work an account that has a specific health carrier listed. So if the patient has BlueCross BlueShield, that provider may not want us to work the account because they want to handle that account solely, themselves, so we would return that with this denial reason.
Q. Okay. And when you say that "they don't want us to work the account," what do you mean by that?
A. They don't want us to do anything on that account.
Q. Even a MedPay collection?
A. Correct.
MR. ALLRED: Show my objection that she's -- somehow, so there's no confusion in this record, that what she just said, there's no foundation that it has anything to do with Mercy. She's dealing in some abstraction as to how she works, but that's not to say that that contributed to Mercy's thinking or the relationship on this

particular account, Hoops, and MRA's function pursuant to their contract of December of 2013.
MR. O'BRIEN: Yeah. Allen, it's already clear that she doesn't know anything about Hoops's case in particular, and is not answering these questions about --
MR. ALLRED: Right.
MR. O'BRIEN: -- just in general.
MR. ALLRED: I'm just worried about some of these questions, Steve, that some law clerk or the judge reads it and somehow ties it into the case at hand versus some big picture that may or may not pertain to our case.
MR. O'BRIEN: I think your point is well taken, but I think the record is pretty clear from earlier that that's exactly the situation. She's just speaking, in general, as to what --
MR. ALLRED: But then what happens is -- you know from your experience as a lawyer -- somebody cherry-picks a question and an answer out of the transcript without the -- maybe that's our job to clarify it, so -- but look back 20 pages prior. It was made clear she's not speaking for Mercy. And then you have this contest, "Oh, no," you know. So my point is --

MR. O'BRIEN: No, no. I get that.
MR. ALLRED: It can be always confused, maybe, intentionally.
MR. O'BRIEN: But you and I know that we can trust Tom, and that he would never cherry-pick the record. He would never do something like that.
MR. ALLRED: No. But he's -- I know he's a very honest man, but I also know that he's an advocate that might just approach that line where things could be arguable. Not intentionally confusing, but intentionally arguable.
MR. O'BRIEN: I think your point is well taken, Allen. I agree.
We love you, Tom.
MR. ALLRED: Even though you're a rascal.
BY MR. SCHWARTZ:
Q. If we could turn to 56, please.
A. (Complies.)
Q. In the middle of that page, the activity of 6/20/16, it says, "Called patient. Left message." And this goes back. When we were looking at the account history on 6/20, it

indicated that a call was made, but we weren't sure who it was made to. Does this shed some light on who was called on 6/20?
A. (Reviews document.)
Q. Well --
A. I just want to make sure.
Q. That's all right. Let me just ask a different question. Does this document indicate that the patient was called and a message was left for the patient on 6/20/16?
A. Based off of this page, yes.
Q. All right. Let's look to 53, please.
A. Okay.
Q. Here again, does it indicate that the patient was called and a message was left on 6/10 of '16?
A. Correct.
MR. O'BRIEN: I could've answered that one.
BY MR. SCHWARTZ:
Q. Let's look at page 40, please.
A. Okay.
Q. What is this document?
MR. O'BRIEN: That one page?
MR. SCHWARTZ: Yes.

THE WITNESS: This particular page would show the notes tab, and, I mean --
BY MR. SCHWARTZ:
Q. Does this sort of summarize, in short form, all the activity from 6/6/16 to 12/7/16?
MR. O'BRIEN: Well, don't they all do that, Tom?
THE WITNESS: They do. They're just -- again, each -- each page just expands what took place on that particular day.
MR. SCHWARTZ: Okay.
MR. O'BRIEN: And each page is a different day, or focuses on a different day.
THE WITNESS: Right.
MR. O'BRIEN: Someone just opened up or expanded the whatever for each different day, and then put them all in order.
MR. SCHWARTZ: All right.
BY MR. SCHWARTZ:
Q. Let's move on to 70 through 75.
A. Okay.
Q. You had told me earlier that pages 70 to 75 were call forms; is that correct?
A. Correct.
Q. Let's look at pages 70 and 71. Do those

relate to a particular call?
A. 70 would reflect a particular call, and then 71 lists the documents that are attached to the account.
Q. And they appear to go in reverse order, so let's first look at pages 74 and 75.
A. Okay.
Q. Can you tell me what -- on the bottom of this document, on 74, there are "Claim Documents." Do you see that?
A. Yes.
Q. All right. I want to go through those, that list with you.
A. Okay.
Q. The first is "Institutional Claim from Mercy Hospital St. Louis." Is that the UB-04 that we referred to?
A. Correct.
Q. Now, the next one is 7/7/16, and it says "Redacted Institutional Claim." Do you know what that means?
A. It means there was some sort of a revision. But without looking at it, I don't know what that is.
Q. Would that be something that could be

pulled up from the system?
A. Yes.
Q. In other words, if you clicked on the underlined "Redacted Institutional Claim" --
A. It would pull it up.
Q. Okay. Do any of these documents listed in the claim documents provide us with what was sent by MRA to State Farm for the bill?
A. Without pulling them up individually, no, I cannot tell you which one went to State Farm.
Q. All right. So, for instance, we have listed on here the no-fault billing letter. Is that the cover page that says "Assignment of MedPay benefits"?
A. Yes. I can assume it went to State Farm, but unless I actually physically look at it, I cannot tell you it went to State Farm or not.
Q. Would any of those documents indicate whether or not MRA even had the signed Consent and Agreement that contains the assignment of benefits?
A. It would be listed here as "AOB" if we did have it on file.
Q. So, in other words, if MRA had

possession of the signed Consent and Agreement document that I showed you earlier, it would be listed in the claim documents that is shown in MRA 74?
A. Correct. It would either be listed under the claim or the account documents.
Q. And as best you can tell from reviewing the document, it doesn't -- it's not listed.
A. From what I can tell on these pieces of paper, it was not listed.
Q. Which would indicate that MRA did not have that document.
A. Correct.
Q. And if MRA did not have that document, they could not have sent it to State Farm, correct?
A. Correct.
Q. Up above there's a category called account documents. And there are two documents that are also included in the claim documents. Are those the same documents?
A. They would be.
Q. And then "Event Documents." It refers to two emails that were sent on 9/15/16. What could those be?

A. Without pulling them up, I'm not sure.
Q. Did -- if someone at MRA sends out an email regarding this particular account for Ms. Hoops, are the documents listed in this box?
A. They should be.
Q. Going back for a minute to the MRA 37 and 38 --
MR. ALLRED: Go ahead, Tom.
(Mr. Allred exits the room.)
THE WITNESS: Okay.
BY MR. SCHWARTZ:
Q. It looks like 9/15 of '16 is when Cindy Collins was working on the claim. Does MRA 37 or 38 tell us anything about these emails that are listed under the Event Documents on MRA 74?
A. No. It would not list anything about the email in the history tab.
Q. Okay. Going back to MRA 74, there's a box on this document in the middle. It has Tara Love on the left, and then below that area, there's a section called "Claims." Do you see that?
A. Yes.
Q. Can you take me through that line and tell me what that means?

A. So it lists the UB-04's date of service. So 5/31/16, that's the date she would have been seen at the facility. The $6,519.54 would be the balance of her bill, when it was received. The $1,519.54 would be the balance after the $5,000 payment from State Farm. 77 percent would reflect the percentage of the payment that we received. So 77 percent of the billed amount. Mercy Hospital would be the provider. The next number, 211, would be the account number, Mercy's account number.
Q. Okay. And then towards the middle, under the patient contact form, does that indicate that two calls were made on 6/8 of '16?
A. Correct.
Q. One was to Progressive and the other to State Farm?
A. Yes.
(Mr. Allred enters the room.)
BY MR. SCHWARTZ:
Q. Let's take a look at 72, please.
A. Okay.
Q. Is this a call form for a call to State Farm on 6/8 of 2016?
A. Yes.

Q. And it looks like -- is this same call tracked both on page 74 and 72?
A. 74 shows the condensed version. It just shows that a call was made. 72 would give, exactly, the information that we received on the call.
Q. Then looking at 70 and 71, similarly, this is the breakout information for the Progressive call on 6/8/16?
A. On page 70, yes.
Q. And do you know why there wouldn't be call forms for the two calls made to the patient?
A. I only see one, so I couldn't tell you why the other one is not reflected here.
Q. Where is the one call to the patient?
A. It would be MRA 74 on 6/20. Patient contact form.
Q. Based on your review of these documents, does it indicate whether or not MRA had knowledge that Ms. Hoops had commercial health insurance with BlueCross BlueShield?
A. Based off of what I've looked at, I don't see any knowledge ...
Q. What information from -- strike that.
Do you know if MRA has access to Mercy's

records to look at those records and try to determine what insurance is available?
A. I don't know.
Q. Have you ever -- strike that.
Do these documents that we have in front of you tell us what information Mercy provided to MRA?
A. I don't know.
Q. If MRA would have known that the patient had commercial health insurance, would it have asserted a lien?
A. No.
Q. Why do you say that?
A. Because we don't file liens when a patient has commercial health insurance.
Q. Across the board?
A. Across the board.
Q. For any of MRA's clients?
A. To my knowledge, correct.
Q. Did you read any of the deposition testimony in this case from Mr. O'Connell or Ms. Love?
A. No.
Q. Is it your understanding from -- strike that.

Have you ever worked for any other employer than MRA that dealt with hospital billing?
A. No.
Q. And is it your understanding for a patient that has commercial health insurance and medical payments coverage on their auto policy that the medical payments coverage is primary to the health insurance?
A. When it comes to coordination of benefits, yes.
Q. Tell me what you mean by "When it comes to coordination of benefits."
A. The way we coordinate insurance benefits, we determine if that no-fault is primary to help with the patient's out of pocket expenses, make sure they're not coming out owing a whole bunch of money, so it helps pay those medical bills that are coming in.
So we would -- we let them know that that would be primary so that it assists them. I don't know really how to explain -- I mean, it's just knowledge I have. It's hard to put it into words.
MR. SCHWARTZ: Could you read that

back to me.
THE REPORTER: The answer?
MR. SCHWARTZ: Yes.
(Whereupon, the requested answer was read back by the reporter.)
BY MR. SCHWARTZ:
Q. At some point in your employment at MRA, were you told by MRA that medical payments coverage is always primary to health insurance coverage?
A. I don't remember. I've been here seven years. Through training, it's a possibility, but that was seven years ago.
Q. Is that your understanding, though, as you sit here today, that medical payments coverage is always primary to health insurance coverage?
A. Correct.
Q. That's your understanding?
A. Yes.
Q. Has that always been your understanding since beginning your work here at MRA?
A. Yes.
Q. And is it you're understanding that for clients like Mercy, for whom MRA collects medical payments coverage, that MRA will collect the

medical payments coverage, and then, after completing that task, return the account to Mercy to then collect the health insurance?

MR. O'BRIEN: Objection.

MR. ALLRED: Objection.

MR. O'BRIEN: Go ahead, Allen.

MR. ALLRED: As to the last part of that question as to her testifying as to what Mercy does once the bill was sent back or that account is sent back to Mercy, she doesn't know and there's no foundation what Mercy does or what their practice is or procedure. But she can testify up to that last part of the question, about what MRA does.

MR. O'BRIEN: And that part has been asked and answered. It's redundant, but ...

THE WITNESS: If it's commercial health, correct.

BY MR. SCHWARTZ:

Q. Is it your understanding from your experience in working here that Mercy doesn't bill the health insurance until such time as you've completed your efforts of billing MedPay?

MR. ALLRED: Objection.

MR. O'BRIEN: Yeah.

MR. ALLRED: No foundation. She doesn't know what Mercy does. She would be speculating, and I'll move to strike if she so speculates.

MR. O'BRIEN: Right. I would join that objection. Lack of foundation. She's not testified at all as to what Mercy does, today.

THE WITNESS: I don't know.

BY MR. SCHWARTZ:

Q. You don't know that?

A. Huh-uh.

Q. Okay. The documents that we've gone over today that says, "Returning the account to client for billing of health insurance, have you seen those?

A. Yes.

Q. What do those mean?

A. That means we -- that means we've done what we could as far as obtaining payment, and so, at this point, we are letting them know that if they wish to bill health, then they can go ahead and bill health.

We don't tell them to bill health. Whatever they do once it's closed is up to them.

Q. When -- strike that.

Do Mercy account representatives look at the health insurance contracts before making their determination as to coordination of benefits?

MR. ALLRED: Objection.

MR. O'BRIEN: Foundation.

MR. ALLRED: She knows nothing about Mercy and what they do with regard to anything, much less a contract.

MR. O'BRIEN: Same.

MR. SCHWARTZ: Did I say "Mercy"?

MR. O'BRIEN: Yeah.

MR. SCHWARTZ: I'm sorry. What I meant -- I'll straighten that out, but I meant her Mercy team. Let me rephrase the question. Okay?

BY MR. SCHWARTZ:

Q. The MRA account representatives that work on the Mercy account, do they review the patient's health insurance contract to assist them in making a coordination of benefits determination?

MR. ALLRED: Objection. It hasn't been established that they even have any health insurance contracts in any circumstance, much less that they have health insurance contracts, in this case, the BlueCross BlueShield policy, involving

Ms. Hoops.

BY MR. SCHWARTZ:

Q. You can answer the question.

A. No.

Q. Do MRA automobile department representatives who work on the Mercy account review network agreements between health insurance companies and Mercy to assist them in making a coordination of benefits determination?

MR. ALLRED: Objection. No foundation they even have such documents, and therefore no foundation as to what they would look -- or look at them.

THE WITNESS: No.

BY MR. SCHWARTZ:

Q. Do Mercy -- strike that.

Do MRA claims representatives in the auto department that work on the Mercy account refer to any Missouri statutes or regulations in making their coordination of benefits determination?

MR. O'BRIEN: Would you please read the question back to me.

(Whereupon, the requested question was read back by the reporter.)

MR. ALLRED: Are you going to object?
MR. O'BRIEN: I'm going to object to legal conclusion, but subject to that --
MR. ALLRED: And I would also object, insofar as that question could cause a nonlegal witness to get into any discussion she may or -- may have, if there is any, as far as guidance from any legal counsel with MRA as to any Missouri statutes or regulations.
BY MR. SCHWARTZ:
Q. You can answer.
MR. O'BRIEN: So would revealing any communications you've had with lawyers, if you can answer his questions as to -- well, if you can answer his question, you can answer it.
THE WITNESS: I don't know.
MR. SCHWARTZ: Do you have questions?
MR. ALLRED: Just one.
MR. SCHWARTZ: I'm going to just breeze through my notes real quick.
(Pause in the proceedings.)
BY MR. SCHWARTZ:
Q. I'm going to ask you a few questions

about training for the auto claims reps. Can you tell me, as best you recall, what materials are used to train auto department claims representatives.
MR. O'BRIEN: Today?
BY MR. SCHWARTZ:
Q. Let's go back to December of 2013, three-and-a-half years ago. And if any of that's changed now, you can tell me.
MR. O'BRIEN: Hoops' claim was in 2016, though.
MR. SCHWARTZ: I'm sorry?
MR. O'BRIEN: Hoops' claim was last year, not 2013.
MR. SCHWARTZ: Yeah, but assumably, somebody trained before the day her claim was processing.
MR. O'BRIEN: Yeah. So I'm okay with claims -- or I'm okay with training prior to Hoops' claim, but you're going back to prior to -- or at the Mercy --
MR. SCHWARTZ: It goes -- it's the Mercy date. Right. So, anyway ...
MR. O'BRIEN: I understand the date. I just -- I object to the relevance of

that. That has no pertinence to this case whatsoever.
MR. SCHWARTZ: Okay.
THE WITNESS: I don't remember. I don't know what training was done in 2013.
BY MR. SCHWARTZ:
Q. Is it any different than the training that's done now?
A. I don't know. I don't remember. I didn't go through training in 2013.
Q. Okay. Are you involved at all in the training of the auto claims representatives before they come to work for you?
A. No.
Q. Who is in charge of that training?
A. Our training department.
Q. And do you know who the manager of the training department is?
A. Brian Neiderhauser.
Q. Do you know how long he's been in that position?
A. I do not.
Q. Have you seen any of the training manuals for auto claims representatives?
A. Briefly, if I need to look at something.

But I don't look at them regularly, so ...
Q. Would you recognize any of them if I showed them to you?
A. I may.
Q. But you wouldn't know if there were others.
A. I wouldn't.
Q. Okay. And in the last three or four years, you haven't been involved in training any employees?
A. Correct. I've not.
MR. SCHWARTZ: I don't have any further questions. I appreciate your time.
CROSS-EXAMINATION
BY MR. ALLRED:
Q. Ms. Voorhies, do you recall when Mr. Schwartz asked you whether or not MRA was aware that Ms. Hoops had health insurance with BlueCross BlueShield?
A. I remember his question, yes.
Q. And you remember you said that MRA was not aware that Ms. Hoops had insurance with BlueCross BlueShield. Was that your answer?
MR. O'BRIEN: I think the question was did these documents indicate anything about

BlueCross BlueShield.
BY MR. ALLRED:
Q. Let's do that.
MR. O'BRIEN: Exhibit 12.
BY MR. ALLRED:
Q. Is it correct that the documents in front of you that Mr. Schwartz has been asking you about -- those are MRA documents, correct?
A. Correct.
Q. And you indicated earlier, as Mr. O'Brien indicates, that nothing in those documents tells you that MRA was aware that Ms. Hoops had insurance with BlueCross BlueShield; is that correct?
A. Correct, not that I can tell. I don't see it.
Q. Okay. But you, yourself, independent of the documents, you don't know one way or the other if MRA knew whether or not Ms. Hoops had insurance with BlueCross BlueShield?
A. Outside of these documents?
Q. Yes, ma'am.
A. I do not know.
Q. Okay. So here is my question: As far as MRA's request for Ms. Hoops' State Farm policy

to pay their portion of the charges for her medical care at Mercy, whether MRA knew about the BlueCross insurance for Ms. Hoops or not, would that have made any difference in MRA going forward and requesting State Farm, her auto policy, to pay a portion of her medical care that she had acquired at Mercy?
A. No.
Q. And why is that, ma'am?
A. Because when it comes to no-fault, it doesn't matter what the patient has, as far as health insurance, whether it's commercial, government, or no health.
Q. So whether you had any record in the documents, or even if you had had it in the documents that you've just gone through with Mr. Schwartz in great detail, that there was a BlueCross policy for Ms. Hoops, regardless, MRA would have made a claim on her State Farm policy to pay their portion of the medical care she received at Mercy, correct?
A. What do you mean by "made a claim"? We wouldn't -- we wouldn't have opened the claim. We would have sent our bill. Yes.
Q. Okay. Let me -- whatever term you want

to use, the point is regardless of what you knew about Ms. Hoops having insurance with BlueCross -- and when I say "you," I mean MRA.
A. Right.
Q. -- MRA was going to make a demand on State Farm to pay under Ms. Hoops' policy with State Farm for their portion of Ms. Hoops' medical care; is that correct?
A. Correct.
Q. And that's your normal course --
A. Correct.
Q. -- with Mercy or any other provider of care, like a hospital, correct?
A. Correct.
MR. ALLRED: Thank you very much. That's all I had.
MR. SCHWARTZ: No further questions.

FURTHER DEPONENT SAITH NOT.

ERRATA

I, MISTI VOORHIES, having read the foregoing deposition, Pages 1 through 139, taken June 26, 2017, do hereby certify said testimony is a true and accurate transcript, with the following changes, if any:

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MISTI VOORHIES

_____
Notary Public
My commission expires: _____

REPORTER'S CERTIFICATE

STATE OF TENNESSEE)
COUNTY OF WILLIAMSON)

I, Cassandra M. Beiling, CCR, LCR #371, Notary Public and Court Reporter, do hereby certify that I recorded to the best of my skill and ability by machine shorthand all the proceedings in the foregoing transcript, and that said transcript is a true, accurate, and complete transcript to the best of my ability.

I further certify that I am not an attorney or counsel of any of the parties, nor a relative or employee of any attorney or counsel connected with the action, nor financially interested in the action.

SIGNED this 15th day of June, 2017.

_____

Cassandra M. Beiling, CCR, LCR# 371

My commission expires: 3/15/2020.

Digitally signed 7/15/2017 at 1:55pm CDT

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